



California Regulatory Notice Register

REGISTER 2006, NO. 41-Z

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OCTOBER 13, 2006

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The *California Regulatory Notice Register* is an official state publication of the Office of Administrative Law containing notices of proposed regulatory actions by state regulatory agencies to adopt, amend or repeal regulations contained in the California Code of Regulations. The effective period of a notice of proposed regulatory action by a state agency in the *California Regulatory Notice Register* shall not exceed one year [Government Code § 11346.4(b)]. It is suggested, therefore, that issues of the *California Regulatory Notice Register* be retained for a minimum of 18 months.

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PROPOSED ACTION ON REGULATIONS

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TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

NOTICE IS HEREBY GIVEN that the Fair Political Practices Commission, under the authority vested in it by section 83112 of the Government Code, proposes to adopt, amend, or repeal regulations in title 2, division 6 of the California Code of Regulations. The Fair Political Practices Commission will consider the proposed regulations at a public hearing on or after November 14, 2006, at 9:45 a.m. Written comments must be received at the Commission offices no later than 5:00 p.m. on November 10, 2006.

BACKGROUND/OVERVIEW

Pursuant to Government Code section 89503(f), the Commission shall adjust the gift limitation on January 1 of each odd-numbered year to reflect changes in the California Consumer Price Index ("CPI"), rounded to the nearest ten dollars (\$10). The formula used to calculate the adjusted gift limit is found at 2 Cal. Code Regs. section 18940.2: the base dollar amount of \$250 as set forth in Government Code section 89503, multiplied by the California Consumer Price Index for All Urban Consumers (September 2006 forecast — 211.0), then divided by 135.0, which represents the Consumer Price Index from 1990, rounded to the nearest ten dollars. (Government Code sections 87103(e) and 89503(f).)

REGULATORY ACTION

Amend 2 Cal. Code Regs. §§ 18703.4, 18730, 18940.2, 18942.1 and 18943. The proposed amendments reflect the adjustment of the gift limit from \$360 to \$390 for the period of January 1, 2007, through December 31, 2008.

FISCAL IMPACT STATEMENT

Fiscal Impact on Local Government. These regulations will have no fiscal impact on any local entity or program.

Fiscal Impact on State Government. These regulations will have no fiscal impact on any state entity or program.

Fiscal Impact on Federal Funding of State Programs. These regulations will have no fiscal impact on the federal funding of any state program or entity.

AUTHORITY

Government Code section 83112 provides that the Fair Political Practices Commission may adopt, amend, and rescind rules and regulations to carry out the purposes and provisions of the Political Reform Act.

REFERENCE

The purpose of these regulations is to implement, interpret and make specific Government Code sections 82028, 87100, 87102.5, 87102.6, 87102.8, 87103, 87207, 87300–87302, 89501, 89502, 89503 and 89506.

CONTACT

Any inquiries should be made to Joan Giannetta, Fair Political Practices Commission, 428 J Street, Suite 800, Sacramento, CA 95814; telephone (916) 322–5660 or 1–866–ASK–FPPC. Proposed regulatory language can be accessed at:
<http://www.fppc.ca.gov/index.html?id=247>

ADDITIONAL COMMENTS

After the hearing, the Commission may adopt the proposed regulations if they remain substantially the same as described or as in the text originally made available to the public. The Commission may make changes to the proposed regulations before their adoption, including the adjusted gift limit amount.

TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

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BACKGROUND/OVERVIEW

Proposition 34 created contribution limits and voluntary expenditure ceilings for state candidates (Govern-

ment Code sections 85301, 85302, 85303 and 85400.) Government Code section 83124, added by Proposition 34, provides the FPPC with the statutory mandate to adjust the contribution limits and voluntary expenditure ceilings on January 1, 2007, to reflect changes in the annual average California Consumer Price Index (CPI). Regulation 18544, adopted by the Commission in August 2002, created the formula for the adjustment of the contribution and voluntary expenditure limits. The formula contained in regulation 18544 mirrors the formula used for the biennial adjustment of the gift limit: the contribution limit amount in effect as of January 1, 2001, multiplied by the annual CPI (September 2006 forecast — All Urban Consumers), divided by the annual average California CPI for All Urban Consumers in 2000 (174.8).

REGULATORY ACTION

Amend 2 Cal. Code Regs. § 18545. The proposed amendments to regulation 18545 reflect the adjusted contribution limits and voluntary expenditure ceilings for state candidates for the period of January 1, 2007, through December 31, 2008.

FISCAL IMPACT STATEMENT

Fiscal Impact on Local Government. This regulation will have no fiscal impact on any local entity or program.

Fiscal Impact on State Government. This regulation will have no fiscal impact on any state entity or program.

Fiscal Impact on Federal Funding of State Programs. This regulation will have no fiscal impact on the federal funding of any state program or entity.

AUTHORITY

Government Code section 83112 provides that the Fair Political Practices Commission may adopt, amend, and rescind rules and regulations to carry out the purposes and provisions of the Political Reform Act.

REFERENCE

The purpose of this regulation is to implement, interpret and make specific Government Code sections 83124, 85301, 85302, 85303 and 85400.

CONTACT

Any inquiries should be made to Joan Giannetta, Fair Political Practices Commission, 428 J Street, Suite 800,

Sacramento, CA 95814; telephone (916) 322-5660 or 1-866-ASK-FPPC. Proposed regulatory language can be accessed at www.fppc.ca.gov.

ADDITIONAL COMMENTS

After the hearing, the Commission may adopt the proposed regulation if it remains substantially the same as described or as in the text originally made available to the public. The Commission may make changes to the proposed regulation before its adoption, including the adjusted amounts.

TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

NOTICE IS HEREBY GIVEN that the Fair Political Practices Commission, under the authority vested in it by section 83112 of the Government Code, proposes to adopt, amend, or repeal regulations in title 2, division 6 of the California Code of Regulations. The Fair Political Practices Commission will consider the proposed regulations at a public hearing on or after **November 14, 2006**, at approximately **9:45 a.m.** Written comments must be received at the Commission offices no later than **5:00 p.m. on November 10, 2006.**

BACKGROUND/OVERVIEW

Government Code section 87103 states that “[a] public official has a financial interest in a decision. . . if it is reasonably foreseeable that the decision will have a material financial effect, distinguishable from its effect on the public generally, on the official, a member of his or her [the official’s] immediate family,” or on any of certain enumerated economic interests. An interest in real property is one of these enumerated economic interests.

Under the “public generally” exception, as provided in regulation 18707.1, the material financial effect of a governmental decision on a public official’s real property economic interest is indistinguishable from its effect on the public generally if the decision affects a “significant segment” of the public in “substantially the same manner” as it will affect the public official’s economic interest. For real property economic interests, “significant segment” is defined as: (1) “[t]en percent or more of all property owners or all homeowners in the jurisdiction of the official’s agency or the district the official represents; or” (2) “5,000 property owners or homeowners in the jurisdiction of the official’s agency.”

The proposed amendments to regulation 18707.1 would clarify the application of the section to real property economic interests. Proposed adoption of regulation 18707.10 would create a special rule for applying

the “public generally” exception to an official’s domicile in small jurisdictions.

REGULATORY ACTION

Amend 2 Cal. Code Regs. § 18707.1: The Commission may consider whether regulation 18707.1 should be amended to change the wording of one of the thresholds for the “significant segment” of the public affected by the decision, from “homeowners” to “residential property owners.” This change would allow the inclusion of owners of rental property in this segment, where the current definition of “homeowner” does not include owners of homes who use their property as a rental. Currently, owners of rental homes may only be included among all “property owners” rather than with the more similarly situated “homeowners” as owners who own residential property.

Further amendments to regulation 18707.1 would provide a list of factors to be considered in determining whether or not the financial effects of a governmental decision on an official’s economic interest in real property are in “substantially the same manner” as the effects on the “public generally.”

Adopt 2 Cal. Code Regs. § 18707.10: The Commission may consider whether regulation 18707.10 should be adopted to establish a specific provision in small jurisdictions only for application of the “public generally” exception with respect to the public official’s economic interest in his or her domicile.

SCOPE

The Commission may delete provisions, adopt the language noticed herein, or choose new language to implement its policy regarding aggregation of contributions under Government Code section 84308 and disclosure of the contributions.

FISCAL IMPACT STATEMENT

Fiscal Impact on Local Government. This regulation will have no fiscal impact on any local entity or program.

Fiscal Impact on State Government. This regulation will have no fiscal impact on any state entity or program.

Fiscal Impact on Federal Funding of State Programs. This regulation will have no fiscal impact on the federal funding of any state program or entity.

AUTHORITY

Government Code section 83112 provides that the Fair Political Practices Commission may adopt, amend,

and rescind rules and regulations to carry out the purposes and provisions of the Political Reform Act.

REFERENCE

The purpose of these regulations is to implement, interpret, and make specific the procedures for aggregating contributions under Government Code section 84308 and to provide adequate public disclosure of those contributions.

CONTACT

Any inquiries should be made to William J. Lenkeit, Fair Political Practices Commission, 428 J Street, Suite 800, Sacramento, CA 95814; telephone (916) 322-5660 or 1-866-ASK-FPPC. Proposed regulatory language can be accessed at www.fppc.ca.gov.

TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

NOTICE IS HEREBY GIVEN that the Fair Political Practices Commission, under the authority vested in it by section 83112 of the Government Code, proposes to adopt, amend, or repeal regulations in title 2, division 6 of the California Code of Regulations. The Fair Political Practices Commission will consider the proposed regulations at a public hearing commencing on or after November 14, 2006, at 9:45 a.m. Written comments must be received at the Commission offices no later than 5:00 p.m. on November 10, 2006.

BACKGROUND/OVERVIEW

The Legal Division periodically conducts a review of Commission regulations. Several technical “clean-up” amendments are proposed which eliminate outdated references or make similar conforming changes. All of the proposed amendments are non-substantive in nature.

REGULATORY ACTION

Amend 2 Cal. Code Regs. section 18312: Amendment of various subdivisions in this regulation will conform the capitalization of statutory titles and headings with the remainder of division 6. A typographical error in the published text at (b)(3)(A) is also proposed.

Amend 2 Cal. Code Regs. section 18316.5: Subsection (a)(2)(B) of this regulation refers to a California Continuing Education of the Bar publication that is no longer available; however, the same information may now be accessed on the agency web site.

Amend 2 Cal. Code Regs. section 18326: Regulation 18326(a) provides the petitioner, a commissioner or the Executive Director the opportunity for a rehearing if a

formal opinion by the Commission has been adopted, but not if the opinion has been rejected, when a rehearing would be the logical remedy.

Amend 2 Cal. Code Regs. section 18401: This is another typographical error in the text at subsection (a)(2)(B) where the sentence now reads “nonmenetary” but should read “nonmonetary.”

Amend 2 Cal. Code Regs. section 18521: Prior to 2001, a state candidate could redesignate a reelection committee for the same office if he or she took certain steps. However, when the contribution limits of Proposition 34 went into effect, the Commission determined that redesignation applicable to different elections was improper. Redesignation was disallowed when regulation 18521 was adopted and this regulation should have specified that there is no redesignation at the state level.

Amend 2 Cal. Code Regs. section 18537.1: The addition of “and consistent with Government Code section 85318” is proposed to clarify that a candidate may not aggregate contributions from a husband and wife. Section 85318 also provides that a contribution from a child under 18 years of age is considered a contribution from the parent or guardian of that child. Both of these provisions should be referenced with regard to regulation 18537.1, “Contributions Received for Primary and General Elections.”

Amend 2 Cal. Code Regs. Section 18704.5: This regulation is a single sentence that is preceded by an (a). This proposal suggests removing the identifying subdivision letter in light of the brevity of this regulation.

Amend 2 Cal. Code Regs. section 18705.1: The proposals to regulation 18705.1 are in order to provide consistency with the changes in the New York Stock Exchange Listed Company manual.

Amend 2 Cal. Code Regs. Section 18705.5: This regulation was formerly regulation 18703.5 and was renumbered “so that the ‘exception’ to application of the personal financial effects rule would be located where the materiality standard for that rule is given.” At the time it was renumbered, the phrase “or his or her immediate family” was left out of the text.

Amend 2 Cal. Code Regs. Section 18730: Regulation 18730 should refer to regulation 18110 and not regulation 18100 in the text at subdivision (b)(1) when referring to California Code of Regulations, division 6, chapter 1, as regulation 18110 is the first regulation to appear in division 6.

Amend 2 Cal. Code Regs. Section 18746.2: The current reading of this regulation defines when a formal or informal appearance or oral or written communication is for the purpose of influencing, and references that it is for the purposes of section 87406 (one year ban). How-

ever, regulation 18741.1, interpreting the state *permanent ban* of section 87401, also refers to regulation 18746.2 to define which appearance or communications are for the purpose of influencing. This ambiguity may be remedied by the removal of the words “[f]or purposes of Government Code Section 87406” from regulation 18746.2.

FISCAL IMPACT STATEMENT

Fiscal Impact on Local Government. These regulations will have no fiscal impact on any local entity or program.

Fiscal Impact on State Government. These regulations will have no fiscal impact on any state entity or program.

Fiscal Impact on Federal Funding of State Programs. These regulations will have no fiscal impact on the federal funding of any state program or entity.

AUTHORITY

Government Code section 83112 provides that the Fair Political Practices Commission may adopt, amend, and rescind rules and regulations to carry out the purposes and provisions of the Political Reform Act.

REFERENCE

The purpose of these regulations is to implement, interpret and make specific Government Code sections 84101, 81013, 81014, 83112, 83114, 83116, 83116.5, 84100–84400, 84104, 84214, 85200, 85201, 85301, 85302, 85306, 85316, 85317, 85318, 85700, 87100, 87102.5, 87102.6, 87102.8, 87103, 87300–87302, 87406, 89501, 89502, and 89503.

CONTACT

Any inquiries should be made to Joan Giannetta, Fair Political Practices Commission, 428 J Street, Suite 800, Sacramento, CA 95814; telephone (916) 322–5660 or 1–866–ASK–FPPC. Proposed regulatory language can be accessed at:

<http://www.fppc.ca.gov/index.html?id=351>.

ADDITIONAL COMMENTS

After the hearing, the Commission may adopt or repeal the proposed regulations if they remain substantially the same as described or as in the text originally made available to the public. The Commission may make changes to the proposed regulations before their adoption or repeal.

TITLE 4. CALIFORNIA GAMBLING CONTROL COMMISSION

NOTICE OF PROPOSED RULEMAKING

Licensing Regulations (Withdrawals, Denials)

The California Gambling Control Commission ("Commission") proposes to adopt the regulations described below after considering all comments, objections, or recommendations regarding the proposed action.

PROPOSED REGULATORY ACTION

The Commission proposes to revise section 12002 and adopt sections 12047, 12048, 12050, and 12348 of Title 4 of the California Code of Regulations, concerning licensing issues.

NO PUBLIC HEARING SCHEDULED AT THIS TIME

At this time, the Commission has not scheduled a public hearing. Any interested person or his or her duly authorized representative may request a hearing pursuant to Government Code section 11346.8 no later than 15 days prior to the close of the comment period.

WRITTEN COMMENT PERIOD October 13, 2006 to November 29, 2006

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Commission at any time during the 45-day public comment period. To be considered for summary and response, **all written comments must be received no later than 5:00 p.m., November 29, 2006.**

Requests for a public hearing or written comments for the Commission's consideration should be directed to:

Heather Hoganson, Counsel, California Gambling Control Commission 2399 Gateway Oaks Drive, Suite 100 Sacramento, CA 95833-4231; Fax: 916-263-0452, E-mail: hhoganson@cgcc.ca.gov

AUTHORITY AND REFERENCE

Authority for the proposed regulations is provided by various provisions of the Gambling Control Act, which may be found in Business and Professions Code sections 19800-19980. In particular, Business and Professions Code sections 19804, 19811, 19823, 19824,

19840, 19841, 19850, 19854, 19861, 19864, 19870, 19872, 19880, 19890, and 19982 provide specific authority.

The proposed regulation implements, interprets, or makes specific Business and Professions Code sections 19823, 19850, 19851, 19852, 19857, 19858, 19859, 19860, 19862, 19863, 19867, 19868, 19870, 19883, 19892, 19952, and 19960, and Government Code 7, which are included as reference citations in the proposed regulations.

INFORMATIVE DIGEST AND POLICY STATEMENT OVERVIEW

The Gambling Control Act (Business and Professions Code, section 19800 et seq.) provides the Commission jurisdiction over controlled gambling and all activity that is related to the conduct of controlled gambling. This includes licensing individuals and entities for work permits, registrations, findings of suitability, and state gambling licenses.

The proposed regulations provide clarity on such licensing issues as withdrawal or abandonment of applications, denial procedures and due process rights following a denial, and mandatory and discretionary grounds for denial for a state gambling license or key employee license.

DISCLOSURES REGARDING THE PROPOSED ACTION

Mandate on local agencies and school districts: These regulations do not impose a mandate on local agencies or school districts.

Cost or savings to any state agency: None.

Cost to any local agency or school district that must be reimbursed in accordance with Government Code section 17561: None

Other non-discretionary cost or savings imposed upon local agencies: None

Cost or savings in federal funding to the state: None

Cost impact on representative private person or business: For someone being able to withdraw an application, there may be a cost savings in recovering background deposits. Following a denial, if someone wanted to pursue an appeal, the exercise of due process rights might involve costs, but no additional costs are contemplated in this regulation — the regulatory text clarifies existing rights to appeal a denial, should one occur.

Impact on Business: The Commission has made an initial determination that the proposed regulatory changes will not have a significant statewide adverse economic impact directly affecting business, including

the ability of California businesses to compete with businesses in other states.

Significant effect on housing costs: The Commission has made an initial determination that the proposed regulatory action would not affect housing costs.

Effect on small business: Some cardrooms may be small businesses; the cost effect on these cardrooms are the same as that addressed under "private person or business."

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5(a)(13), the Commission must determine that no reasonable alternative considered by the Commission or that has otherwise been identified and brought to the attention of the Commission would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

ASSESSMENT REGARDING CREATION OR ELIMINATION OF JOBS IN CALIFORNIA

The Commission has made an assessment and determined that the adoption of the proposed regulation will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California.

CONTACT PERSONS

Inquiries concerning the substance of the proposed action should be directed to:

Heather Hoganson, Counsel, California Gambling Control Commission, 2399 Gateway Oaks Drive, Suite 100 Sacramento, CA 95833-4231; Telephone: 916-263-0490, Fax: 916-263-0452, E-mail: hhoganson@cgcc.ca.gov.

Requests for a copy of the proposed text of the regulation, the initial statement of reasons, the modified text of the regulation, if any, or other technical information upon which the rulemaking is based should be directed to:

Pam Ramsay, California Gambling Control Commission, 2399 Gateway Oaks Drive, Suite 100 Sacramento, CA 95833-4231; Telephone: 916-263-8111, Fax: 916-263-0499.

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Commission will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at the office at the above address. As

of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulation, and the Initial Statement of Reasons. A copy may be obtained by contacting Pam Ramsay at the address or telephone number listed above or accessing the Commission's website at <http://www.cgcc.ca.gov>. Upon its completion, the Final Statement of Reasons will be available and copies may be requested from the Regulations Coordinator or viewed on the website.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

Following the comment period, the Commission may adopt the proposed regulation substantially as described in this notice. If modifications are made which are sufficiently related to the originally proposed text, the modified text, with changes clearly indicated, will be made available to the public for at least 15 days prior to the date on which the Commission adopts the regulation. Requests for copies of any modified regulation should be sent to the attention of Pam Ramsay at the address indicated above.

The Commission will accept written comments on the modified regulation for 15 days after the date on which it is made available.

TITLE 5. CALIFORNIA COMMISSION ON TEACHER CREDENTIALING

Proposed Amendments to California Code of Regulations, Title 5 Section 80028 Pertaining to Certificates of Clearance and Section 80487 Pertaining to Fees

Notice of Proposed Rulemaking

The California Commission on Teacher Credentialing proposes to amend regulatory action described below after considering all comments, objections and recommendations regarding the proposed action.

Public Hearing

A public hearing on the proposed actions will be held:

December 1, 2006

8:30 a.m.

**California Commission on Teacher
Credentialing
1900 Capitol Avenue
Sacramento, California 95814**

Written Comment Period

Any interested person, or his or her authorized representative, may submit written comments by fax,

through the mail, or by e-mail on the proposed action. The written comment period closes at 5:00 p.m. on November 28, 2006. Comments must be received by that time or may be submitted at the public hearing. You may fax your response to (916) 322-0048; write to the California Commission on Teacher Credentialing, attn. Terri H. Fesperman, 1900 Capitol Avenue, Sacramento, California 95814-4213; or submit an email at tfesperman@ctc.ca.gov.

Any written comments received 18 days prior to the public hearing will be reproduced by the Commission's staff for each member of the Commission as a courtesy to the person submitting the comments and will be included in the written agenda prepared for and presented to the full Commission at the hearing.

Authority and Reference

Education Code Section 44225 authorizes the Commission to promulgate rules and regulations which will implement, interpret or make specific Sections 44256 and 44349 of the Education Code and govern the procedures of the Commission.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Summary of Existing Laws and Regulations

Title 5 Sections 80028 and 80487 are proposed to be amended due to significant changes in the method the Commission processes Certificates of Clearance and the method in which examination fees are currently established. Certificates of Clearance are documents the Commission issues to credential candidates before they enter into student teaching and to potential candidates for an initial credential who, prior to admission to a professional preparation program approved by the Commission, wish to determine if they meet the Commission's requirements for character and fitness to teach. The document provides no authorization, only verification that the holder has completed a professional fitness review. There are two major changes that are being proposed to section 80028: Certificates of Clearance would have an expiration date and the university affidavit process would be eliminated.

Section 80487 pertaining to fees is being updated to reflect the changes in the credential fee as well as fees for examinations.

Section 80028

- **80028** The Commission no longer makes professional fitness decisions based on the health of the individual; consequently the health reference is being deleted throughout the section.
- **80028(a)(1)(A)** Staff is proposing that the application be submitted online only. Beginning in

August 2006, applicants may submit their applications for Certificates of Clearance online. The submission of applications online greatly decreases the processing time and insures that students in credential programs can begin their student teaching requirement in a timely fashion.

- **80028(a)(1)(B)** The proposed language also eliminates the need for the Certificate of Clearance to accompany the application for the initial credential. The Commission no longer prints Certificates of Clearance and the credit is now processed electronically.
- **80028(a)(1)(C)** The Department of Justice (DOJ) stopped accepting identification cards approximately a year ago. The proposed language requires a livescan submission, which is the method currently used for submitting fingerprint impressions to DOJ. This section also includes proposed language limiting the period of validity for the Certificate to five years. If a person obtains a Certificate of Clearance, but fails to apply for any credential that authorizes teaching or delivering certain types of services in the public schools, the Commission must currently still track and review any subsequent arrests and convictions, often engaging in lengthy review process concerning a person who has not shown any intention to obtain a teaching or services credential. By limiting the validity of the Certificate of Clearance to five years, the Commission will eventually be able to stop receiving and reviewing reports of subsequent criminal misconduct if the holder of the Certificate of Clearance has not filed an application for a credential.
- **80028(a)(2)** Staff are proposing eliminating the process due to efficiencies gained through online technology. The results of the livescan process take approximately three days, and the Commission's online Certificate of Clearance process takes up to three days. When the affidavit process was initially conceived, the entire professional fitness process was paper-based and time-consuming. With the new technology, colleges and universities no longer need to place student teachers in the classroom without a professional fitness review.
- **80028(b)** Staff is proposing deleting this section as it states the same process as stated at the beginning of the section.

Section 80487

- **80487(a) and (a)(1)** Staff is proposing that the fee be changed to fifty-five dollars to align with the fee established in the 2006-2007 Budget Act.

- **80487(a)(2)** Staff is proposing adding the fee to change a name on a credential. This proposed fee aligns the regulations with current process.
- **80487(a)(4)** Staff is proposing deleting the subsection because the fee is included in the fee paid to the examination contractor.
- **80487(a)(5)** The proposed changes in this section are technical to update the language.
- **80487(a)(6) & (7)** The proposed changes align the fees with the current charges assessed by the Federal Bureau of Investigation and the California Department of Justice.
- **80487(a)(8) & (9) & (10)** These deletions are being proposed because all three examinations have not been administered for over ten years.
- **80487(c)** The proposed changes delete references to specific examinations. The current practice is for the examination fees be paid to the testing contractor.
- **80487(e)** Staff is proposing that the fee be valid for sixty days. Transcripts are the documents that usually delay the processing of an application. Universities no longer take sixty days to mail an official transcript.
- **80487(f)** These fees are now collected by the testing contractor.
- **80487(g)** The proposed deletion is a technical change. The sunset date for submission of these documents was January 1, 2003.

Documents Incorporated by Reference: None

Documents Relied Upon in Preparing Regulations: None

Disclosures Regarding the Proposed Actions

The Commission has made the following initial determinations:

Mandate to local agencies or school districts: None.

Other non-discretionary costs or savings imposed upon local agencies: None.

Cost or savings to any state agency: None.

Cost or savings in federal funding to the state: None.

Significant effect on housing costs: None.

Significant statewide adverse economic impact directly affecting businesses including the ability of California businesses to compete with businesses in other states: None.

These proposed regulations will not impose a mandate on local agencies or school districts that must be reimbursed in accordance with Part 7 (commencing with Section 17500) of the Government Code.

Cost impacts on a representative private person or business: The Commission is not aware of any cost impacts that a representative private person or business

would necessarily incur in reasonable compliance with the proposed action.

Assessment regarding the creation or elimination of jobs in California [Govt. Code §11346.3(b)]: The Commission has made an assessment that the proposed amendments to the regulation would not (1) create nor eliminate jobs within California, (2) create new business or eliminate existing businesses within California, or (3) affect the expansion of businesses currently doing business within California.

Effect on small businesses: The Commission has determined that the proposed amendment to the regulations does not affect small businesses. The regulations are not mandatory but an option that affects school districts and county offices of education.

Consideration of Alternatives

The Commission must determine that no reasonable alternative it considered or that has otherwise been identified and brought to the attention of the Commission would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons or small businesses than the proposed action. Interested individuals may present statements or arguments with respect to alternatives to the proposed regulations at the scheduled hearing or during the written comment period.

Contact Person/Further Information

General or substantive inquiries concerning the proposed action may be directed to Terri H. Fesperman by telephone at (916) 323-5777 or Terri H. Fesperman, California Commission on Teacher Credentialing, 1900 Capitol Ave, Sacramento, CA 95814. General question inquiries may also be directed to Susan Browning at (916) 327-5339 or at the address mentioned in the previous sentence. Upon request, a copy of the express terms of the proposed action and a copy of the initial statement of reasons will be made available. This information is also available on the Commission's web site at www.ctc.ca.gov. In addition, all the information on which this proposal is based is available for inspection and copying.

Availability of Statement of Reasons and Text of Proposed Regulations

The entire rulemaking file is available for inspection and copying throughout the rulemaking process at the Commission office at the above address. As of the date this notice is published in the Notice of Register, the rulemaking file consists of this notice, the proposed text of regulations, and the initial statement of reasons.

Modification of Proposed Action

If the Commission proposes to modify the actions hereby proposed, the modifications (other than nonsubstantial or solely grammatical modifications) will be

made available for public comment for at least 15 days before they are adopted.

Availability of Final Statement of Reasons

The Final Statement of Reasons is submitted to the Office of Administrative Law as part of the final rule-making package, after the public hearing. When it is available, it will be placed on the Commission's web site at www.ctc.ca.gov or you may obtain a copy by contacting Terri H. Feserman at (916) 323-5777.

Availability of Documents on the Internet

Copies of the Notice of Proposed Action, the Initial Statement of Reasons and the text of the regulations in underline and strikeout can be accessed through the Commission's web site at www.ctc.ca.gov.

TITLE 15. DEPARTMENT OF CORRECTIONS AND REHABILITATION

NOTICE OF ADOPTION OF EMERGENCY REGULATIONS

California Code of Regulations Title 15, Crime Prevention and Corrections Department of Corrections and Rehabilitation

NOTICE IS HEREBY GIVEN that the Secretary of the California Department of Corrections and Rehabilitation (CDCR), pursuant to the authority granted by Government Code Section 12838.5, Penal Code (PC) Section 5058, and the rulemaking authority granted by PC Section 5058.3, in order to implement, interpret and make specific PC Section 5054, proposes to adopt and amend Sections 3350.1, 3352.1, 3352.2, 3354 and 3358 (CCR), Title 15 concerning inmate dental services.

PUBLIC HEARING

Date and Time: December 7, 2006 — 9:00 am to 10:00 am
Place: Corrections Standards Authority
Large Conference Room
660 Bercut Drive
Sacramento, CA 95814
Purpose: To receive comments about this action.

PUBLIC COMMENT PERIOD

The public comment period will close, December 7, 2006, at 5:00 p.m. Any person may submit public comments in writing (by mail, by fax, or by e-mail) regarding the proposed changes. To be considered by the De-

partment, comments must be submitted to the CDCR, Regulation and Policy Management Branch, P.O. Box 942883, Sacramento, CA 94283-0001; by fax at (916) 341-7366; or by e-mail at RPMB@cdcr.ca.gov before the close of the comment period.

CONTACT PERSON

Please direct any inquiries regarding this action to:

Timothy M. Lockwood, Chief
Regulation and Policy Management Branch
Department of Corrections and Rehabilitation
P.O. Box 942883, Sacramento, CA 94283-0001
Telephone (916) 341-7390

In the event the contact person is unavailable, inquiries should be directed to the following back-up person:

Ann Cunningham
Regulation and Policy Management Branch
Telephone (916) 341-7390

Questions regarding the substance of the proposed regulatory action should be directed to:

Dr. William Kuykendall
Dental Program
Division of Correctional Health Care Services
Telephone (916) 327-8925

LOCAL MANDATES

This action imposes no mandates on local agencies or school districts, or a mandate which requires reimbursement pursuant to Government Code Section 17561.

FISCAL IMPACT STATEMENT

- Cost or savings to any state agency: FY 05/06 \$17.3 million & FY 06/07 \$55.1 million
- Other nondiscretionary cost or savings imposed on local agencies: *None*
- Cost or savings in federal funding to the state: *None*

EFFECT ON HOUSING COSTS

The Department has made an initial determination that the proposed action will have no significant effect on housing costs.

COST IMPACTS ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES

The Department is not aware of any cost impacts that a representative private person or business would nec-

essarily incur in reasonable compliance with the proposed action.

SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT ON BUSINESS

The Department has initially determined that the proposed regulations will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

EFFECT ON SMALL BUSINESSES

The Department has determined that the proposed regulations may not affect small businesses. It is determined that this action has no significant adverse economic impact on small business because they are not affected by the internal management of state prisons.

ASSESSMENTS OF EFFECTS ON JOB AND/OR BUSINESS CREATION, ELIMINATION OR EXPANSION

The Department has determined that the proposed regulation will have no affect on the creation of new, or the elimination of existing jobs or businesses within California, or affect the expansion of businesses currently doing business in California.

CONSIDERATION OF ALTERNATIVES

The Department must determine that no reasonable alternative considered by the Department, or that has otherwise been identified and brought to the attention of the Department, would be more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome to affected private persons, than the proposed regulatory action. Interested persons are accordingly invited to present statements or arguments with respect to any alternatives to the changes proposed at the scheduled hearing or during the written comment period.

AVAILABILITY OF PROPOSED TEXT AND INITIAL STATEMENT OF REASONS

The Department has prepared, and will make available, the text and the Initial Statement of Reasons (ISOR) of the proposed regulations. The rulemaking file for this regulatory action, which contains those items and all information on which the proposal is based (i.e., rulemaking file) is available to the public upon re-

quest directed to the Department's contact person. The proposed text, ISOR, and Notice of Proposed Action will also be made available on the Department's website <http://www.cdcr.ca.gov>.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Following its preparation, a copy of the Final Statement of Reasons may be obtained from the Department's contact person.

AVAILABILITY OF CHANGES TO PROPOSED TEXT

After considering all timely and relevant comments received, the Department may adopt the proposed regulations substantially as described in this Notice. If the Department makes modifications which are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the Department adopts the regulations as revised. Requests for copies of any modified regulation text should be directed to the contact person indicated in this Notice. The Department will accept written comments on the modified regulations for 15 days after the date on which they are made available.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Penal Code (PC) Section 5000 provides that commencing July 1, 2005, any reference to the Department of Corrections in this or any code, refers to the CDCR, Division of Adult Operations.

PC Section 5050 provides that commencing July 1, 2005, any reference to the Director of Corrections, in this or any other code, refers to the Secretary of the CDCR. As of that date, the office of the Director of Corrections is abolished.

PC Section 5054 provides that the supervision, management, and control of the State prisons, and the responsibility for the care, custody, treatment, training, discipline, and employment of persons confined therein are vested in the director. Commencing July 1, 2005, the supervision, management, and control of the state prisons, and the responsibility for the care, custody, treatment, training, discipline, and employment of persons confined therein are vested in the Secretary of the CDCR.

PC Section 5058 authorizes the Director to prescribe and amend regulations for the administration of prisons.

PC Section 5058.3 authorizes the Director to adopt, amend, or repeal emergency regulations conducted pursuant to Government Code Section 11340.

- This action amends and adopts provisions governing the dental care services within the California Department of Corrections and Rehabilitation (Department). California Code of Regulations, Sections are being amended as a result of a Settlement Agreement, in the case of *Perez v. Tilton, et al.*, Case No. C05-5241 JSW, U.S. District Court Northern District of California. This Settlement Agreement is a result of a challenge regarding inmates within the Department not receiving constitutionally adequate dental care. The initial implementation, as ordered by Judge White, must begin immediately.
- Due to the serious dental care needs of inmates within the California Department of Corrections and Rehabilitation, and its inability to currently meet the immediate needs of the inmates, and pursuant to *Perez vs. Tilton*, it is necessary that these regulations be promulgated on an emergency basis.
- These regulations, pursuant to the Settlement Agreement, provide a level of dental care required under the Eighth Amendment. These regulations implement a new Dental Priority System and address the needs of patients in a timely manner ensuring appropriate dental care. These regulations establish a Dental Authorization Review (DAR) Committee as a subcommittee which works in conjunction with the Medical Authorization Review (MAR) Committee at each institution. The Health Care Review Committee reviews cases approved by the MAR and DAR committees. These committees are necessary and establish a central point of review and approval for medical and dental treatment.
- Health care responsibilities and limitations regarding emergency, urgent, interceptive and routine rehabilitative dental care are amended and made specific regarding the timeframe in which inmates are treated.
- In addition, changes for enhanced clarity, including department and divisional name changes due to the reorganization, numerical corrections, and changes in punctuation are also made to meet departmental standards.

TITLE 16. CALIFORNIA BOARD OF ACCOUNTANCY

NOTICE IS HEREBY GIVEN that the California Board of Accountancy is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in

writing relevant to the action proposed at a hearing to be held at the Hilton San Diego Airport, 1960 Harbor Island Drive San Diego, CA 92101 at 11:00 a.m. on December 1, 2006. Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the California Board of Accountancy at its office no later than 5:00 p.m. on November 30, 2006, or must be received by the California Board of Accountancy at the hearing. If submitted at the hearing, it is requested, although not required, that 25 copies be made available for distribution to Board members and staff. The California Board of Accountancy, upon its own motion or at the instance of any interested party, may thereafter adopt the proposal substantially as described below or may modify such proposal if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as the Contact Person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by Sections 5010, 5018, 5027, and 5098 of the Business and Professions Code and to implement, interpret or make specific Sections 481, 5026, 5027, 5097, 5098, and 5100 of the Business and Professions Code, the California Board of Accountancy is considering changes to Division 1 of Title 16 of the California Code of Regulations as follows:

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

1. Amend Sections 68.3 and 68.4 of Title 16 of the California Code of Regulations.

Business and Professions Code Section 5010 authorizes the California Board of Accountancy to adopt regulations for the orderly administration of the Accountancy Act, and Business and Professions Code Section 5018 authorizes the Board to prescribe rules of professional conduct.

Business and Professions Code Business Section 5097 establishes audit documentation requirements for licensees of the California Board of Accountancy, and Business and Professions Code Section 5098 authorizes the Board to adopt regulations related to procedures for the identification, dating, and retention of audit documentation.

Current Section 68.3 provides a start date and other requirements for the retention period for audit documentation. This proposal would change the start date for the documentation retention period from the report

date to the date of issuance of the report (report release date).

Current Section 68.4 provides requirements for changes in audit documentation after issuance of the audit report. This proposal would revise Section 68.4 to specify a document assembly period after the date of issuance of the report during which audit documentation may be assembled without documentation of the changes being made. Also, this proposal would revise Section 68.4 to prohibit any removal, deletion, substitution, or editing of audit documentation after the end of the document assembly period and would require specified documentation of any additions to audit documentation that occur after the end of the document assembly period.

The objective of this proposal is to make the Board's audit documentation requirements more consistent with the requirements of the Public Company Accounting Oversight Board and the American Institute of Certified Public Accountants Auditing Standards Board.

2. Amend Sections 88, 88.1, 88.2 and 89 of Title 16 of the California Code of Regulations.

Business and Professions Code Section 5027 requires the Board to adopt regulations related to continuing education.

Current Section 88 specifies programs that qualify as continuing education. It contains no provision related to Group Internet-Based Programs (interactive continuing education delivered via a Webcast). This proposal would amend Section 88 to indicate that Group Internet-Based Programs of continuing education qualify for continuing education credit provided specified requirements are met.

Current Section 88.1 specifies requirements for continuing education providers. It contains no provision related to Group Internet-Based Programs. This proposal would revise Section 88.1 to specify requirements for providers of Group Internet-Based Programs after July 1, 2007.

Current Section 88.2 provides for program measurement for continuing education. Current Section 88.2 contains no provisions related to Group Internet-Based Programs. This proposal would revise Section 88.2 to specify program measurement requirements for Group Internet-Based Programs.

Current Section 89 relates to the control and reporting of continuing education completed for license renewal by licensees of the California Board of Accountancy. Current Section 89 contains no provision specifying that Group Internet-Based Programs are an acceptable method of study for qualifying continuing education. This proposal would revise Section 89 to include a Group Internet-Based Program as a method of study for qualifying continuing education.

The objective of this proposal is to update the Board's continuing education regulations to include provisions specific to Group Internet-Based Programs. This proposal specifies the requirements these programs must meet to be accepted as qualifying continuing education, and this proposal indicates how credit for these program will be granted.

3. Amend Section 99 of Title 16 of the California Code of Regulations.

Business and Professions Code Section 5010 authorizes the California Board of Accountancy to adopt regulations for the orderly administration of the Accountancy Act, and Business and Professions Code Section 5018 authorizes the Board to prescribe rules of professional conduct. Business and Professions Code Section 481 directs boards governed by the Business and Professions Code to adopt criteria for determining whether a crime or act is substantially related to the qualifications, functions, or duties of the profession regulated by that board.

Current Section 99 specifies substantial relationship criteria for the California Board of Accountancy. This proposal would revise Section 99 to indicate that dishonesty or fraud of any kind is substantially related to the qualifications, functions, or duties of a Certified Public Accountant or Public Accountant. This proposal would also revise Section 99 to indicate that any act or crime posing a risk to the safety or welfare of a client, co-worker, or other person encountered by the licensee in his or her professional capacity is substantially related to the qualifications, functions, or duties of a Certified Public Accountant or Public Accountant.

The objective of this proposal is to update the substantial relationship criteria to improve the Board's ability to protect consumers.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None.

Nondiscretionary Costs/Savings to Local Agencies: None.

Local Mandate: None.

Cost to Any Local Agency or School District for Which Government Code Section 17561 Requires Reimbursement: None.

Business Impact:

The California Board of Accountancy has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

AND

The following studies were relied upon in making that determination: None.

Impact on Jobs/New Businesses:

The California Board of Accountancy has determined that this regulatory proposal will not have any impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Cost Impact on Representative Private Person or Business:

The California Board of Accountancy is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effect on Housing Costs: None.

EFFECT ON SMALL BUSINESS

The California Board of Accountancy has determined that the proposed regulations would affect small businesses.

CONSIDERATION OF ALTERNATIVES

The California Board of Accountancy must determine that no reasonable alternative which it considered or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposal described in this Notice.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

INITIAL STATEMENT OF REASONS
AND INFORMATION

The California Board of Accountancy has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the California Board of Accountancy at 2000 Evergreen Street, Suite 250, Sacramento, California 95815.

AVAILABILITY AND LOCATION OF
THE FINAL STATEMENT OF REASONS
AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file that is available for public inspection by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below or by accessing the Web site listed below.

CONTACT PERSON

Inquiries or comments concerning the proposed administrative action may be addressed to:

Name: Aronna Wong
Address: California Board of Accountancy
2000 Evergreen Street, Suite 250
Sacramento, CA 95815
Telephone No.: (916) 561-1788
Fax No.: (916) 263-3675
E-Mail Address: awong@cba.ca.gov

The backup contact person is:

Name: Carol Sigmann
Address: California Board of Accountancy
2000 Evergreen Street, Suite 250
Sacramento, CA 95815
Telephone No.: (916) 561-1718
Fax No.: (916) 263-3675
E-mail Address: csigmann@cba.ca.gov

Inquiries concerning the substance of the proposed regulations may be directed to Aronna Wong at (916) 561-1788.

Web site Access: Materials regarding this proposal can be found at www.dca.ca.gov/cba.

**TITLE 16. CALIFORNIA BOARD OF
ACCOUNTANCY**

NOTICE IS HEREBY GIVEN that the California Board of Accountancy is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at the Hilton San Diego Airport, 1960 Harbor Island Drive San Diego, CA 92101 at 11:10 a.m. on December 1, 2006. Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the California Board of Accountancy at its office no later than 5:00 p.m. on November 30, 2006, or must be

received by the California Board of Accountancy at the hearing. If submitted at the hearing, it is requested, although not required, that 25 copies be made available for distribution to Board members and staff. The California Board of Accountancy, upon its own motion or at the instance of any interested party, may thereafter adopt the proposal substantially as described below or may modify such proposal if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as the Contact Person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by Sections 5010, 5018, and 5096.15 of the Business and Professions Code and to implement, interpret or make specific Sections 122, 163, 5096, 5096.15 and 5134 of the Business and Professions Code, the California Board of Accountancy is considering changes to Division 1 of Title 16 of the California Code of Regulations as follows:

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Amend Section 70 of Title 16 of the California Code of Regulations.

Section 5010 of the Business and Professions Code authorizes the California Board of Accountancy to adopt regulations for the orderly administration of the Accountancy Act. Business and Professions Code Section 5096 requires a fee to be charged for practice privilege. Section 5096.15, added to the Business and Professions Code by Assembly Bill 1868 of the 2005–06 Regular Session, directs the Board to provide for a lower fee for practice privilege without an authorization to sign attest reports. Business and Professions Code Section 5134, as amended by Assembly Bill 1868 of the 2005–06 Regular Session, provides for a maximum amount for the fee for practice privilege with the authorization to sign attest reports and for a lower fee for practice privilege without authorization to sign attest reports.

Current Section 70 sets the fee for submission of a practice privilege notification at \$100. This proposal would amend Section 70 to set the fee for submission of a practice privilege notification with an authorization to sign attest reports at \$100, and would set the fee for submission of the practice privilege notification without an authorization to sign attest reports at \$50. The objective of this proposal is to comply with the legislative direc-

tive that the Board adopt regulations providing for a lower fee for practice privilege holders who do not sign attest reports.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: In spite of reduced revenue under this proposal, it is anticipated that the revenue generated by the Practice Privilege Program will be sufficient to allow the program to continue to be self-supporting.

Nondiscretionary Costs/Savings to Local Agencies: None.

Local Mandate: None.

Cost to Any Local Agency or School District for Which Government Code Section 17561 Requires Reimbursement: None.

Business Impact:

The California Board of Accountancy has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

AND

The following studies were relied upon in making that determination: None.

Impact on Jobs/New Businesses:

The California Board of Accountancy has determined that this regulatory proposal will not have any impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Cost Impact on Representative Private Person or Business:

The California Board of Accountancy has made a determination that the proposed regulatory action will result in a cost savings for some practice privilege holders.

Effect on Housing Costs: None.

EFFECT ON SMALL BUSINESS

The California Board of Accountancy has determined that the proposed regulations would affect small businesses.

CONSIDERATION OF ALTERNATIVES

The California Board of Accountancy must determine that no reasonable alternative which it considered or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposal described in this Notice.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

INITIAL STATEMENT OF REASONS AND INFORMATION

The California Board of Accountancy has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the California Board of Accountancy at 2000 Evergreen Street, Suite 250, Sacramento, California 95815.

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file that is available for public inspection by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared by making a written request to the contact person named below or by accessing the Web site listed below.

CONTACT PERSON

Inquiries or comments concerning the proposed administrative action may be addressed to:

Name: Aronna Wong
Address: California Board of Accountancy
2000 Evergreen Street, Suite 250
Sacramento, CA 95815
Telephone No.: (916) 561-1788
Fax No.: (916) 263-3675
E-Mail Address: awong@cba.ca.gov

The backup contact person is:

Name: Carol Sigmann
Address: California Board of Accountancy
2000 Evergreen Street, Suite 250
Sacramento, CA 95815
Telephone No.: (916) 561-1718
Fax No.: (916) 263-3675
E-mail Address: csigmann@cba.ca.gov

Inquiries concerning the substance of the proposed regulations may be directed to Aronna Wong at (916) 561-1788.

Web site Access: Materials regarding this proposal can be found at www.dca.ca.gov/cba.

TITLE 17. DEPARTMENT OF DEVELOPMENTAL SERVICES

NOTICE OF PROPOSED RULEMAKING Behavior Management Consultants

The Department of Developmental Services (DDS) proposes to amend Title 17, California Code of Regulations, Division 2, Chapter 3, Subchapter 2 by amending Section 54342.

Written Comment Period

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action of DDS. The written comment period closes at 5:00 p.m. on Tuesday, November 28, 2006. Please submit any written comments, via U.S. Mail or fax or email, to the DDS contact persons designated below by 5:00 p.m. on Tuesday, November 28, 2006.

No Public Hearing

No public hearing is scheduled for this rulemaking. However, any interested person or his or her duly authorized representative may request a public hearing no later than 15 days prior to the close of the written comment period.

Authority and Reference

Authority: Sections 4405 and 4648, Welfare and Institutions Code and Section 11152, Government Code.

Reference: Sections 4631, 4648 and 4691, Welfare and Institutions Code.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Existing law establishes minimum education and experience requirements, and possession of a specific license, as a condition of vendorization. Specifically, it requires behavior management consultants to complete

12 semester units in applied behavior analysis courses by November 2006, and have two years of experience designing and implementing behavior modification intervention services. The Department was informed in March, 2006, that many behavior management consultants would be unable to complete 12 semester units by November 2006. The Department concurred, and proposes to amend Section 54342 by extending the deadline for those currently vendored, and notifying individuals wishing to be vendored in the future that the specified educational requirements must be met as a condition of being vendored.

Existing law requires consultants to be eligible for vendorization under Group Practices, Nonmedical Services, Medical Services and/or Prevention/Infant Development Services. In 1997, the categories of Nonmedical Services, Medical Services and/or Prevention/Infant Developmental Services were merged into Section 54342, Types of Services, thereby making the existing reference to these groups obsolete. This amendment references Section 54342 for Types of Services.

Small Business Determination

DDS has determined that the proposed regulations will not affect small business. Behavior management consultants will be employed by regional centers to provide services to the developmentally disabled, none of which are considered a small business.

Local Mandate Determination

DDS has determined that the proposed regulatory actions do not impose: 1) a mandate on local agencies or school districts; 2) significant costs or savings to any state agency; 3) costs to any local agency or school district that must be reimbursed in accordance with Government Code Sections 17500 through 17630; 4) other nondiscretionary costs or savings imposed on local agencies; or 5) costs or savings in federal funding to the state.

Assessment Statement

DDS has determined that the proposed regulations will not affect the creation or elimination of jobs in California; the creation of new businesses or the elimination of existing businesses within California; or the expansion of businesses currently operating in California.

DDS has made an initial determination that the proposed regulations will not have: 1) a significant statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states; or 2) a significant effect on housing costs.

Cost Impacts on Representative Private Persons or Businesses

The DDS is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Alternatives Considered

DDS must determine that no reasonable alternative it considered or that has otherwise been identified and brought to the attention of DDS would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

DDS invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations during the written comment period.

Contact Person

Comments and inquiries concerning the proposed action may be directed to:

Diana Nicolaou
1600 9th Street, MS 3-9
Sacramento, CA 95814
email: dnicolaou@dds.ca.gov
Phone: (916) 654-1760
FAX: (916) 654-2775

If Ms. Nicolaou is unavailable, comments and inquiries may be directed to:

Greg Wagner
1600 9th Street, MS 3-15
Sacramento, CA 95814
email: gwagner@dds.ca.gov
Phone: (916) 653-0805
FAX: (916) 654-3666

Availability of Rulemaking Documents

DDS has prepared and has copies ready for public review of the exact text of the proposed regulations, an Initial Statement of Reasons for the proposed regulations, and all of the information upon which the proposed regulations are based. Copies of the initial statement of reasons and text of the proposed regulations, along with all other public records, reports, documentation or other material related to the proposed regulations will be contained in the rulemaking file and will be available for inspection and copying throughout the rulemaking process from the contact person at the above address. In addition, the text, Initial Statement of Reasons and other materials for this rulemaking may be viewed over the internet at www.dds.ca.gov.

Availability of Changed or Modified Text

After the close of the comment period, DDS may adopt the proposed regulations as described in this notice. If DDS makes modifications that are sufficiently

related to the originally proposed text, it will make the modified text, with changes clearly indicated, available for public comment at least 15 days before DDS adopts the regulations as revised. If the text is modified, the text may be viewed over the Internet at www.dds.ca.gov. Please send requests for copies of any modified regulations to the contact person named above.

Final Statement of Reasons

When the Final Statement of Reasons is available, it may be viewed over the Internet at www.dds.ca.gov. Additionally, requests for the Final Statement of Reasons could be made to the contact person named above.

TITLE 18. FRANCHISE TAX BOARD

As required by Government Code section 11346.4, this is notice that a public hearing has been scheduled at 10:00 a.m., December 1, 2006, at 9646 Butterfield Way, Town Center Golden State Room A/B, Sacramento, California, to consider the proposed amendments of California Code of Regulations, title 18, section 25110, subsection (d)(2)(F).

An employee of the Franchise Tax Board will conduct the hearing, and a report will be submitted to the three-member Franchise Tax Board for its consideration, along with a recommendation as to whether the three-member Board should hold a hearing on the proposed regulatory action. Government Code section 15702, subdivision (b), provides for consideration by the three-member Franchise Tax Board of any proposed regulatory action, if any person makes such a request in writing. If a written request is received, the three-member Franchise Tax Board will consider the proposed regulatory action prior to adoption.

Interested persons are invited to present comments, written or oral, concerning the proposed regulatory action. It is requested, but not required, that persons who make oral comments at the hearing also submit a written copy of their comments at the hearing.

On August 22, 2006, the Organization For International Investment ("OFII"), pursuant to Government Code section 11340.6, filed a petition with the Franchise Tax Board to amend title 18, section 25110, and specifically subsection (d)(2)(F)(1), to exclude from the definition of "United States source income" certain types of "not effectively connected income" ("NECI").

Existing California Code of Regulations, title 18, section 25110, subsection (d)(2)(F)(1), defines United States income to mean the income of a foreign corporation that is effectively connected, or treated as effectively connected under the provisions of the Internal Revenue Code, with a United States trade or business (ECI) and the United States source income which is NECI if

such income is considered business income under Revenue and Taxation Code section 25120 and the regulations thereunder. After a review, the Franchise Tax Board concluded that treating NECI as United States source income for water's-edge purposes was inconsistent with the legislative history of Revenue and Taxation Code section 25110.

In addition, a technical amendment is proposed to reference a Treasury regulation that details how expenses related to effectively connected income are to be determined.

Accordingly, at the September 20, 2006, meeting of the Franchise Tax Board it was determined that proposed amendments to California Code of Regulations, title 18, section 25110, consistent with those proposed in the petition filed by OFII, should be noticed for public hearing pursuant to the Administrative Procedures Act.

WRITTEN COMMENT PERIOD

Written comments will be accepted until 5:00 p.m., December 1, 2006. All relevant matters presented will be considered before the proposed regulatory action is taken. Comments should be submitted to the agency officer named below.

AUTHORITY AND REFERENCE

Revenue and Taxation Code section 19503 authorizes the Franchise Tax Board to prescribe regulations necessary for the enforcement of Part 10 (commencing with section 17001), Part 10.2 (commencing with section 18401), Part 10.7 (commencing with section 21001) and Part 11 (commencing with section 23001) of the Revenue and Taxation Code. The proposed regulatory action interprets, implements, and makes specific section 25110(d) of the Revenue and Taxation Code.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The proposed amendments to the existing regulation, California Code of Regulations, title 18, section 25110, subsection (d)(2)(F), will prescribe the extent to which United States income of a foreign corporation is to be included in a water's-edge combined report in a manner that is consistent with the legislative intent of the underlying statute.

DISCLOSURES REGARDING THE PROPOSED REGULATORY ACTION

Mandate on local agencies and school districts: None.
Cost or savings to any state agency: None.

Cost to any local agency or school district which must be reimbursed under Part 7, commencing with Government Code section 17500, of Division 4: None.

Other non-discretionary cost or savings imposed upon local agencies: None.

Cost or savings in federal funding to the state: None.

Significant statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states: None.

Cost to directly affected private persons/businesses potential: The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Significant effect on the creation or elimination of jobs in the state: None.

Significant effect on the creation of new businesses or elimination of existing businesses within the state: None.

Significant effect on the expansion of businesses currently doing business within the state: None.

Effect on small business: None. Based upon a recent analysis of the applicable statutes by FTB's staff, they represent the practice that will be employed by the department on a forward-going basis, even in the absence of the amendments.

Significant effect on housing costs: None.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5, subdivision (a)(13), the Board must determine that no reasonable alternative it considered or that has otherwise been identified and brought to its attention it would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed regulatory action.

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Franchise Tax Board has prepared an initial statement of the reasons for the proposed regulatory action. The express terms of the proposed regulatory action, the initial statement of the reasons for the regulatory action, and all the information upon which the proposed regulatory action is based are available upon request from the agency officer named below. When the final statement of reasons is available, it can be obtained by contacting the agency officer named below, or by accessing the Franchise Tax Board's website at <http://www.ftb.ca.gov>.

CHANGE OR MODIFICATION OF ACTIONS

The Franchise Tax Board may adopt the proposed regulatory action after consideration of any comments

received during the comment period. Government Code section 15702, subdivision (b), provides for consideration by the three-member Board of any proposed regulatory action, if any person makes such a request. If a request is received, the three-member Board will consider the proposed regulatory action prior to adoption.

The regulations and amendments may also be adopted with modifications if the changes are nonsubstantive or the resulting regulations are sufficiently related to the text made available to the public so that the public was adequately placed on notice that the regulations as modified could result from that originally proposed. The text of the regulations as modified will be made available to the public at least 15 days prior to the date on which the regulations are adopted. Requests for copies of any modified regulations should be sent to the attention of the agency officer named below.

ADDITIONAL COMMENTS

If you plan on attending or making an oral presentation at the regulation hearing, please contact the agency officer named below.

The hearing room is accessible to persons with physical disabilities. Any person planning to attend the hearing, who is in need of a language interpreter, including sign language should contact the officer named below at least two weeks prior to the hearing so that the services of an interpreter may be arranged.

CONTACT

All inquiries concerning this notice or the hearing should be directed to Colleen Berwick at Franchise Tax Board, Legal Department, P.O. Box 1720, Rancho Cordova, CA 95741-1720; Telephone (916) 845-3306; Fax (916) 845-3648; E-Mail: colleen.berwick@ftb.ca.gov. In addition, all questions on the substance of the proposed regulation can be directed to Ben Miller at Telephone (916) 845-3320. This notice, the initial statement of reasons and express terms of the proposed regulations are also available at the Franchise Tax Board's website at www.ftb.ca.gov.

TITLE 22. DEPARTMENT OF AGING

NOTICE OF PROPOSED RULEMAKING

Notice is hereby given that the California Department of Aging is proposing to amend Sections 7316 and 7318, Chapter 3, Article 3; Sections 7630, 7634.3, 7636.1, 7636.9, and 7638.5 of Chapter 4, Article 6; and to delete in their entirety, Sections 7625 and 7627, Chapter 4, Article 5, of the California Code of Regula-

tions (CCR), as described in the Informative Digest below. The proposed changes affect the Elderly Nutrition Program (ENP).

PUBLIC COMMENTS

The Department of Aging has not scheduled a public hearing on this proposed action. However, the Department will hold a hearing pursuant to Government Code section 11346.8 if it receives a written request for a public hearing from any interested party or his or her duly authorized representative, no later than 15 days prior to the close of the written comment period.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Department. All written comments must be received by the Department at its office not later than 5:00 p.m. on November 27, 2006. Please submit written comments to:

California Department of Aging
AAA Based Team A
Attention: Mary Lee Welch
1300 National Drive
Sacramento, CA 95834

Comments by e-mail mwelch@aging.ca.gov or facsimile (916) 928-2509 must be received by 5 P.M. on the last day of the public comment period. All comments, including e-mail or facsimile transmissions, must include the author's name and U.S. Postal Service mailing address in order for the Department to provide copies of any notices for proposed changes in the regulation text on which additional comments may be solicited.

AUTHORITY AND REFERENCE

Section 9102 of the Welfare and Institution Code requires that the Department administer all programs under the Older American Act of 1965, as Amended, and the Older Californians Act. Section 9105 of the Welfare and Institutions Code gives authority to the Department to promulgate regulations for the purpose for carrying out its duties. Accordingly, the proposed regulations implement, interpret or make specific, Sections 9102 and 9108 through 9112 of the Welfare and Institutions Code pertaining to senior nutrition services programs.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The proposal amends the Elderly Nutrition Program regulations as follows:

- Delete sections 7625 and 7627 that pertain to the former in-home services program (Title IIID) that was incorporated into another section of the Older Americans Act of 1965, as Amended.
- Section 7636.9(a) clarifies the process by which funds from the United States Secretary of Agriculture are provided to the Elderly Nutrition Program.
- Section 7636.9(b) clarifies that Elderly Nutrition Program meals must meet the nutritional requirements of the Older Americans Act of 1965, as Amended, to receive Nutrition Services Incentive Program funding.
- Section 7638.5(b) clarifies that a nutritional analysis of Elderly Nutrition Program meals must be done by a registered dietitian.
- Sections 7638.5(d) and (e) are deleted because they contain outdated and unnecessary prescriptive language.

These proposed changes do not materially alter any requirement, right, responsibility, condition, prescription, or other regulatory element. Nonsubstantial technical changes to the regulations will:

- Delete section 7316(d), as the need to include IIID in-home services in the Area Plan has been deleted.
- Renumber section 7316(e) to (d) to reflect the deletion of section 7316(d).
- Delete sections 7318(b)(7), 7318(e)(6), and 7318(h)(1)(B)(5) containing the term Title IIIF that is no longer included in the Older Americans Act, as Amended.
- Renumber sections 7318(h)(1)(B)(6) to (5) and 7328(h)(1)(B)(7) to (6) to reflect the deletion of section 7318(h)(1)(B)(5).
- Renumber Article 6 to 5 to reflect the deletion of sections 7625 and 7627.
- Correct the terminology of the California Retail Uniform Retail Food Facilities Law (CURFFL) to the California Retail Food Code (CRFC), in sections 7630(a), 7634.3(d)(2), and 7636.1(b)(4).
- Correct the terminology from USDA Meal reimbursement to the Nutrition Services Incentive Program (NSIP), in section 7636.9.
- Correct in sections 7638.5(a)(1)(A) and 7638.5(a)(2), the date and edition of the following documents incorporated by reference in the Elderly Nutrition Program regulations to reflect the most current applicable versions: the Dietary Reference Intakes: The Essential Reference for Dietary Planning and Assessment Guide (2006), Institute of Medicine National Academy of Sciences and the Dietary Guidelines for Americans (2005, 6th Edition) U.S. Department of

Health and Human Services and U.S. Department of Agriculture Edition.

- Renumber section 7638.5(f) to (d) to reflect the proposed deletion of the prescriptive language pertaining to the nutrition requirements and nutritional analysis of Elderly Nutrition Program meals.

ADOPTING OR AMENDING REGULATIONS MANDATED BY FEDERAL LAW OR REGULATIONS

The proposed regulations changes are required by changes made to the Older Americans Act of 1965, as Amended (42 U.S.C. 3030a, 3030e through 3030g-21, and 3030m).

OTHER STATUTORY REQUIREMENTS

There are no further matters prescribed by statute applicable to the Department or to any specific regulation or class of regulation.

FISCAL IMPACT COST ESTIMATES OF THE PROPOSED ACTION

The Department of Aging has made an initial determination that this proposed regulatory action: (1) will not impose any new mandate upon local agencies or school districts; (2) involves no nondiscretionary or reimbursable cost or savings to any local agency, school district whether or not reimbursable by the State pursuant to Part 7 (commencing with Section 17500), Div 4 Title 2 of the Government Code, state agency, or federal funding to the state; (3) will have no impact on housing costs; (4) will neither create or eliminate jobs in the State of California nor result in the elimination of existing business or create or expand business in the State of California; and (5) will not have a significant statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states.

The Department of Aging is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

EFFECT ON SMALL BUSINESS

The Department has determined that the proposed regulations will have an effect on small businesses in California who choose to provide Elderly Nutrition Program Services. Meal costs will increase due to

changes in the nutritional requirements for meals served in the ENP. The Elderly Nutrition Program is funded by the federal Older Americans Act, the State General Fund, and other local funds.

ALTERNATIVE STATEMENT

In accordance with Government Code Section 11346.5(a)(13), the Department has determined that no reasonable alternative which it considered or that has otherwise been identified and brought to the attention of the Department would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposal described in this Notice.

CONTACT PERSON

Inquires concerning the proposed regulatory changes may be directed to:

Mary Lee Welch
California Department of Aging
AAA Based Team A
1300 National Drive
Sacramento, CA 95834
Telephone: (916) 928-3326
Facsimile: (916) 928-2509
e-mail: mwelch@aging.ca.gov.

The backup contact person for these inquiries is:

Violet Henry
California Department of Aging
AAA Based Team A
1300 National Drive
Sacramento, CA 95834
Telephone: (916) 928-5858
Facsimile: (916) 928-2509
e-mail: vhenry@aging.ca.gov.

Please direct inquiries for copies of the proposed text changes to the Elderly Nutrition Program regulations, the initial statement of reasons, and for other information on which the rulemaking is based, to Ms. Welch at the above address.

AVAILABILITY OF TEXT AND INITIAL STATEMENT OF REASONS

Copies of the exact text of the proposed regulation changes and the initial statement of reasons and other information upon which the proposal is based, may be obtained upon request from the Department contact person named above.

AVAILABILITY AND LOCATION OF THE
FINAL STATEMENT OF REASONS AND
THE RULEMAKING FILE

All of the information upon which the proposed regulation changes are based is contained in the rulemaking file which is available for public inspection in the Department's office, at the above address.

A copy of the final statement of reasons once it has been prepared, may be obtained by making a written request to the Department's contact person, as listed above.

After consideration of public comments, the Department of Aging may adopt the proposal substantially as set forth without further notice. If the proposal is modified prior to adoption and the change is not solely grammatical or nonsubstantive in nature, the full text of the resulting regulation, with the changes clearly indicated, will be made available to the public for at least 15 days prior to the date of adoption.

AVAILABILITY OF DOCUMENTS
ON THE INTERNET

All documents regarding the proposed regulation changes are available through the Department's web site at www.aging.ca.gov.

**TITLE 22. DEPARTMENT OF SOCIAL
SERVICES**

NOTICE OF PROPOSED CHANGES IN
REGULATIONS OF THE CALIFORNIA
DEPARTMENT OF SOCIAL SERVICES (CDSS)

ITEM #2 Crisis Nurseries SB 855 (Chapter 664,
Statutes of 2004)

CDSS hereby gives notice of the proposed regulatory action(s) described below. Any person interested may present statements or arguments orally or in writing relevant to the proposed regulations at a public hearing to be held November 29, 2006, as follows:

November 29, 2006
Office Building #9
744 P St. Auditorium
Sacramento, California

The public hearing will convene at 10:00 a.m. and will remain open only as long as attendees are presenting testimony. The Department will adjourn the hearing immediately following the completion of testimony presentations. The above-referenced facility is accessible to persons with disabilities. If you are in need of a language interpreter at the hearing (including sign lan-

guage), please notify the Department at least two weeks prior to the hearing.

Statements or arguments relating to the proposals may also be submitted in writing, e-mail, or by facsimile to the address/number listed below. All comments must be received by 5:00 p.m. on November 29, 2006.

CDSS, upon its own motion or at the instance of any interested party, may adopt the proposals substantially as described or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of nonsubstantive, technical, or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption to all persons who testify or submit written comments during the public comment period, and all persons who request notification. Please address requests for regulations as modified to the agency representative identified below.

Copies of the express terms of the proposed regulations and the Initial Statement of Reasons are available from the office listed below. This notice, the Initial Statement of Reasons and the text of the proposed regulations are available on the internet at <http://www.dss.cahwnet.gov/ord>. Additionally, all the information which the Department considered as the basis for these proposed regulations (i.e., rulemaking file) is available for public reading/perusal at the address listed below.

Following the public hearing, copies of the Final Statement of Reasons will be available from the office listed below.

CONTACT

Office of Regulations Development
California Department of Social Services
744 P Street, MS 7-192
Sacramento, California 95814

TELEPHONE: (916) 657-2586
FACSIMILE: (916) 654-3286
E-MAIL: ord@dss.ca.gov

CHAPTERS 7.5 (Crisis Nurseries); Article 1. (General Requirements and Definitions), Section 86500 (General), and Section 86501 (Definitions); Article 2. (License Required), Section 86505 (License Required), Section 86505.1 (Crisis Nursery License Requirements), Section 86506 (Operation without a License), Section 86507 (Exemption from Licensure), Section 86508 (Licensing of Integral Facilities), Section 86509 (Availability of a License), Section 86510 (Limitations on Capacity and Ambulatory Status), Section 86511 (Advertisement and License Number) and Section 86512 (False Claims); Article 3. (Application Procedures), Section 86517 (Applicant Nondiscrimination),

Section 86518 (Application for License), Section 86519 (Criminal Record Clearance), Section 86519.1 (Criminal Record Exemption), Section 86519.2 (Child Abuse Central Index), Section 86520 (Fire Clearance), Section 86521 (Water Supply Clearance), Section 86522 (Plan of Operation), Section 86523 (Emergency Plan), Section 86524 (Waiver and Exceptions), Section 86526 (Safeguards for Personal Property and Valuables), Section 86527 (Initial Application Review), Section 86528 (Capacity Determination), Section 86529 (Withdrawal of an Application), Section 86531 (Issuance of a License), Section 86531.1 (Issuance of a Provisional License), Section 86531.2 (Issuance of a Permanent License), Section 86534 (Submission of a New Application), Section 86535 (Conditions for Forfeiture of a Community Care Facility License), and Section 86536 (Application Processing and Annual License Fees); Article 4. (Administrative Actions), Section 86540 (Denial Of a License), Section 86542 (Revocation or Suspension of a License), Section 86544 (Inspection Authority of the Licensing Agency), Section 86545 (Evaluation Visits), and Section 86546 (Exclusions); Article 5. Enforcement Provisions, Section 86522 (Deficiencies in Compliance), Section 86553 (Follow-up Visits to Determine Compliance), Section 86554 (Penalties), Section 86555 (Administrative Review), Section 86555.1 (Denial or Revocation of License for Failure to Pay Civil Penalties), Section 86558 (Unlicensed Facility Penalties), and Section 86559 (Unlicensed Facility Administrative Appeal); Article 6. Continuing Requirements, Section 86561 (Reporting Requirements), Section 86562 (Finances), Section 86563 (Accountability), Section 86564 (Administrator Qualifications and Duties), Section 86565 (Personnel Requirements), Section 86565.2 (Personnel Duties), Section 86565.5 (Staff to Child Ratios), Section 86566 (Personnel Records), Section 86568.1 (Intake Procedures), Section 86568.2 (Initial Assessment Plan), Section 86568.4 (Removal and Discharge Procedures), Section 86570 (Children's Records), Section 86572 (Personal Rights), Section 86572.1 (Discipline Policies and Procedures), Section 86572.2 (Complaint Procedures), Section 86574 (Transportation); Section 86575 (Health Related Services), Section 86576 (Food Services) Section 86577 (Personal Services), Section 86578 (Responsibility for Providing Care and Supervision), Section 86578.1 (Sanitation Requirements), Section 86579 (Planned Activities), and Section 86580 (Crisis Daycare); Article 7. Physical Environment, Section 86586 (Alterations to Existing Buildings or New Facilities), Section 86587 (Buildings and Grounds), Section 86587.1 (Outdoor Activity Space), Section 86587.2 (Indoor Activity Space), and Section 86588 (Fixtures, Furniture, Equipment, and Supplies).

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Crisis nurseries, a type of temporary or emergency care for children at risk of abuse and/or neglect, were first developed in the early 1970's. Crisis nursery programs were also designed to offer an array of support services to the families and caregivers of these children.

Recognizing the effectiveness of crisis nursery care and the need for additional programs, in 1986 Congress passed the *Temporary Child Care for Children with Disabilities and Crisis Nurseries Act*. This Act established federal funding to create temporary child care demonstration projects including crisis nursery services.

Since 1988, competitive grants have been awarded to private and public agencies across the United States to assist them in developing crisis nursery services. However, federal funding for crisis nurseries was recently reduced creating a financial hardship for the few California facilities providing the crisis nursery services. As a remedy, a collaboration of these facilities that are licensed as Group Homes for Children under six years of age, requested certain waivers to the regulations to help off-set rising cost because they maintain their programs and goals are different than those of other group homes. The children placed in their facilities are voluntarily placed by a parent experiencing stress in their life. They argued that the group home requirements were making it difficult for them to remain solvent.

SB 855, Chapter 664, Statutes of 2004, creates a new community care licensing category for crisis nurseries. Crisis nurseries are defined as facilities providing short-term, 24-hour nonmedical residential care and supervision for children under six years of age who are voluntarily placed for up to 30 days by their parents/guardian due to a family crisis or stressful situation or, who are temporarily placed by a county child welfare services agency for no more than 14 days.

Some unique aspects of crisis nurseries allowed by statute are:

- Can accept voluntary and AFDC/FC children (on a limited basis)
- Fully trained volunteers may be counted in their staff-to-child ratio.
- Maximum licensed capacity of 14.
- Crisis nurseries are required to provide a monthly report to the Department indicating the total number of voluntarily placed children and those children placed by a child welfare services agency and length of stay for each child.
- Crisis nurseries may provide day care services for children less than six years of age at the same site as the crisis nursery.

As required by statute, the Department has developed emergency regulations that establish minimum health and safety standards for children cared for by crisis nurseries. The intent of developing, adopting and implementing Crisis Nursery Programs Regulations is to provide a safe and supportive environment for children as well as a non-threatening non-punitive resource for parents who may be experiencing a family crisis or stressful situation.

COST ESTIMATE

1. Costs or Savings to State Agencies: No fiscal impact exists because these regulations do not affect any State agency or program.
2. Costs to Local Agencies or School Districts: No additional costs or savings are anticipated because these regulations make only technical, non-substantive or clarifying changes to current laws and regulations.
3. Nondiscretionary Costs or Savings to Local Agencies: None.
4. Federal Funding to State Agencies: No fiscal impact exists because these regulations do not affect any federally funded State agency or program.

LOCAL MANDATE STATEMENT

These regulations do impose a mandate upon local agencies but not upon school districts. The mandate is not required to be reimbursed pursuant to part 7 (commencing with Section 17500) of Division 4 of the California Constitution because implementation of the regulations will result in no additional costs or savings because these regulations make only technical, non-substantive or clarifying changes to current laws and regulations.

STATEMENT OF SIGNIFICANT ADVERSE ECONOMIC IMPACT ON BUSINESS

CDSS has made an initial determination that the proposed action will not have a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

STATEMENT OF POTENTIAL COST IMPACT ON PRIVATE PERSONS OR BUSINESSES

The CDSS is not aware of any cost impacts that a representative private person or business would necessari-

ly incur in reasonable compliance with the proposed action.

SMALL BUSINESS IMPACT STATEMENT

CDSS has determined that there is no impact on small businesses as a result of filing these regulations because these regulations are applicable only to crisis nurseries that are non-profit entities and not considered small businesses.

ASSESSMENT OF JOB CREATION OR ELIMINATION

The adoption of the proposed amendments will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California.

STATEMENT OF EFFECT ON HOUSING COSTS

The proposed regulatory action will have no effect on housing costs.

STATEMENT OF ALTERNATIVES CONSIDERED

CDSS must determine that no reasonable alternative considered or that has otherwise been identified and brought to the attention of CDSS would be more effective in carrying out the purpose for which the regulations are proposed or would be as effective and less burdensome to affected private persons than the proposed action.

AUTHORITY AND REFERENCE CITATIONS

CDSS adopts these regulations under the authority granted in Health and Safety Code Sections 1516, 1516(k), 1530, and 1548; and Welfare and Institutions Code Section 11400(t). Subject regulations implement and make specific Health and Safety Code Sections 1501, 1502, 1503, 1503.5, 1505, 1506, 1507, 1508, 1509, 1511, 1513, 1516, 1520, 1520.3, 1520.5, 1520.11, 1522, 1522.1, 1522.04, 1522.41(b)(4), 1523.1, 1524, 1524(e), 1524.5, 1525, 1525.5, 1526, 1526.5, 1526.8, 1530, 1530.5, 1531, 1533, 1534, 1536.1, 1538, 1538.5, 1540, 1540.1, 1541, 1547, 1548, 1549, 1550.5, 1551, 1558, 1558.1, 1562, 1596.782, and 1596.866; and Welfare and Institutions Code Sections 11400, 11402(h), 11406(c), 11467.1, 16001.9, 17710, and 17730; Government Code Section 13143; Senate Bill 855, (Chapter 664, Statutes of 2004); Unruh Civil Rights Act, Civil Code Section 51; and *Greshner v. Anderson* (2005) 127 Cal. App. 4th 88.

**CDSS REPRESENTATIVE REGARDING
RULEMAKING PROCESS OF THE
PROPOSED REGULATION**

Contact Person: Rick Torres, ORD Analyst
(916) 657-2586
Backup: Alison Garcia
(916) 657-2586

Marleigh Wood, Esq.
Office of Chief Counsel
State Water Resources Control Board
P.O. Box 100
Sacramento, CA 95812
Telephone: (916) 341-5169
E-mail address: Mwood@waterboards.ca.gov

Comments may also be hand-delivered to 1001 I Street, 22nd Floor, Sacramento, CA 95814, or faxed to (916) 341-5199.

To be added to the mailing list for this rulemaking, and to receive notification of updates of this rulemaking, please send your name and address to Marleigh Wood at the above postal address or e-mail address. Individuals who receive this notice by mail are already on the mailing list.

EMERGENCY STATEMENT

These regulations are to be adopted on an emergency basis. In order to allow interested persons an opportunity to submit statements or arguments concerning these regulations, they will be considered at public hearing in accordance with Government Code Section 11346.4.

PUBLIC HEARING

The State Water Board has not scheduled a public hearing on the proposed action. However, interested parties may make a written request for a hearing no later than fifteen (15) days prior to the close of the written comment period.

**TITLE 23. STATE WATER RESOURCES
CONTROL BOARD**

NOTICE OF PROPOSED RULEMAKING

The State Water Resources Control Board (State Water Board) proposes to adopt the amended regulation described below after considering all comments, objections, and recommendations regarding the proposed action.

AUTHORITY AND REFERENCE

Section 1058 of the California Water Code authorizes the State Water Board to adopt the proposed regulations, which would implement, interpret, or make specific the following State statute: Water Code section 13321.

PROPOSED REGULATORY ACTION

The State Water Board proposes to amend Section 2053 of Chapter 6 of Division 3 of Title 23, of the California Code of Regulations. This section governs the procedure under which the State Water Board may grant a stay of the effect of a regional water quality control board action. Water Code section 13321, which previously required that a hearing be held prior to issuance of a stay, was amended to require that a hearing is required only upon request. The proposed amendment to California Code of Regulations, title 23, section 2053, will reflect that change.

INFORMATIVE DIGEST

Section 2053 of title 23 of the California Code of Regulations sets forth the rules and process by which the State Water Board may grant a stay of the effect of regional water board actions pending resolution of petitions for State Water Board review of those regional water board actions. Water Code section 13320 provides the statutory authority for the State Water Board petition process, while Water Code section 13321 is the basis for the granting of stays.

WRITTEN COMMENT PERIOD

Any person may submit written comments relevant to the proposed regulatory action to the State Water Board. The written comment period closes at 5:00 p.m. on November 27, 2006. The State Water Board will only consider written comments received at the State Water Board offices by that time. Submit comments to:

Effective January 1, 2004, Water Code section 13321 was amended to eliminate a previous requirement that the State Water Board hold a hearing prior to issuance of a stay. As amended, section 13321 now provides that the State Water Board "upon notice and hearing, if a hearing is requested, may stay in whole or in part the effect of the decision and order of a regional board or of the state board." As currently written, California Code of Regulations, title 23, section 2053, requires that a hearing be held. The proposed amendment would allow the State Water Board to stay the effect of a regional wa-

ter board action without a hearing, if no hearing is requested.

The proposed amendment would specify those parties who may request that the State Water Board hold a hearing prior to issuing a stay. The amended regulation would allow the following parties to request a hearing: the petitioner, the discharger (if not the petitioner), the regional water board, any person designated as a party by the regional water board, and any person who may be designated as a party by the State Water Board pursuant to California Code of Regulations, title 23, section 648.1, subdivision (a). The proposed amendment would require an interested person requesting designated party status to include a statement explaining the basis for requesting such status.

The proposed amendment would provide that if no hearing is held, the State Water Board may issue a hearing only after providing all interested persons with notice and an opportunity to comment on the request for stay.

POLICY STATEMENT OVERVIEW

The State Water Board has previously been required to hold a hearing prior to issuing a stay of the effect of a regional water board action, even where no party has requested a hearing or in circumstances where all parties have stipulated to issuance of a stay. The requirement may sometimes result in an unnecessary procedural burden prior to taking action. Water Code section 13321, as amended, allows the State Water Board to act more quickly in issuing a stay if no hearing is requested.

The proposed amendment would define those parties who may request that the State Water Board hold a hearing before issuance of a stay. In order to provide a full and fair opportunity for affected persons to be heard, the proposed amendment would provide notice and an opportunity to comment for all interested persons if a stay is issued without a hearing. The amended regulation would broadly define parties who may request a stay to include those who were parties in any proceeding before the regional water board, as well as those persons who request designated party status before the State Water Board on the basis that their interests are not adequately represented by the petitioner, discharger, regional water board and other designated parties. Such a process provides a broad opportunity for input while preserving the State Water Board's ability to control and streamline its procedures as intended by the statute.

DISCLOSURES REGARDING THE PROPOSED ACTION

The State Water Board has made the following determinations:

- Mandate on local agencies and school districts: No new mandate to local agencies or schools is proposed.
- Cost or savings to any State agency: None.
- Cost to any local agency or school district which must be reimbursed in accordance with Government Code sections 17500 through 17630: None.
- Other non-discretionary cost or savings imposed on local agencies: None.
- Cost or savings in Federal funding to the State: None.
- Significant statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states: None.
- Potential cost impact on private persons or directly affected businesses: The State Water Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- Adoption of this amendment will not (1) create or eliminate jobs within California; (2) create new businesses or eliminate existing businesses within California; or (3) affect the expansion of businesses currently doing business within California.
- Significant effect on housing costs: None.

SMALL BUSINESS DETERMINATION

The State Water Board has determined that the proposed amendment does not affect small business. It will not affect small business because this procedural regulatory change does not directly regulate small business: it does not require reports, does not affect costs, etc.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5, subdivision (a)(13), the State Water Board must determine that no reasonable alternative it considered or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

The State Water Board invites interested persons to present statements or arguments with respect to alterna-

tives to the proposed amendment at any hearing that may be requested or during the written comment period.

CONTACT PERSONS

Inquiries concerning the substance of the proposed action may be directed to:

Marleigh Wood, Esq.
Office of Chief Counsel
State Water Resources Control Board
P.O. Box 100
Sacramento, CA 95812
Telephone: (916) 341-5169
E-mail address: Mwood@waterboards.ca.gov

You may also direct requests for copies of the proposed text of the amended regulation, the initial statement of reasons, the modified text of the amended regulation, if any, or other information upon which the rulemaking is based to Ms. Wood at the above address. In the event that Ms. Wood is not available to respond to inquiries, please contact:

Ted Cobb, Esq.
Office of Chief Counsel
State Water Resources Control Board
P.O. Box 100
Sacramento, CA 95812
Telephone: (916) 341-5171
E-mail address: Tcobb@waterboards.ca.gov

AVAILABILITY OF INITIAL STATEMENT OF REASONS AND TEXT OF PROPOSED AMENDMENT/INTERNET ACCESS

An initial statement of reasons and the text ("express terms") of the proposed regulation have been prepared and are available from the contact person named in this notice. The State Water Board will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the amended regulation, and the Initial Statement of Reasons. The documents relating to this proposed action may be found on the State Water Board website at the following address: <http://www.swrcb.ca.gov>

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After any hearing and considering all timely and relevant comments received, the State Water Board may adopt the proposed regulations substantially described in this notice. If the State Water Board makes modifica-

tions that are sufficiently related to the originally proposed text, it will make the modified text—with changes clearly indicated—available to the public for at least 15 days before the State Water Board adopts the regulation as revised. Any such modifications will also be posted on the State Water Board website. Please send requests for copies of any modified regulation to the attention of Marleigh Wood at the address indicated above. The State Water Board will accept written comments on the modified regulation for 15 days after the date on which they are made available.

AVAILABILITY OF FINAL STATEMENT OF REASONS

Upon its completion, the Final Statement of Reasons will be available and copies may be requested from the contact person named in this notice or may be accessed on the website listed above.

TITLE MPP. DEPARTMENT OF SOCIAL SERVICES

NOTICE OF PROPOSED CHANGES IN REGULATIONS OF THE CALIFORNIA DEPARTMENT OF SOCIAL SERVICES (CDSS)

ITEM # 1 Changes to Trustline

CDSS hereby gives notice of the proposed regulatory action(s) described below. Any person interested may present statements or arguments orally or in writing relevant to the proposed regulations at a public hearing to be held November 29, 2006, as follows:

November 29, 2006
Office Building #9
744 P St. Auditorium
Sacramento, California

The public hearing will convene at 10:00 a.m. and will remain open only as long as attendees are presenting testimony. The Department will adjourn the hearing immediately following the completion of testimony presentations. The above-referenced facility is accessible to persons with disabilities. If you are in need of a language interpreter at the hearing (including sign language), please notify the Department at least two weeks prior to the hearing.

Statements or arguments relating to the proposals may also be submitted in writing, e-mail, or by facsimile to the address/number listed below. All comments must be received by 5:00 p.m. on November 29, 2006.

CDSS, upon its own motion or at the instance of any interested party, may adopt the proposals substantially as described or may modify such proposals if such mod-

ifications are sufficiently related to the original text. With the exception of nonsubstantive, technical, or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption to all persons who testify or submit written comments during the public comment period, and all persons who request notification. Please address requests for regulations as modified to the agency representative identified below.

Copies of the express terms of the proposed regulations and the Initial Statement of Reasons are available from the office listed below. This notice, the Initial Statement of Reasons and the text of the proposed regulations are available on the internet at <http://www.dss.cahwnet.gov/ord>. Additionally, all the information which the Department considered as the basis for these proposed regulations (i.e., rulemaking file) is available for public reading/perusal at the address listed below.

Following the public hearing, copies of the Final Statement of Reasons will be available from the office listed below.

CONTACT

Office of Regulations Development
California Department of Social Services
744 P Street, MS 7-192
Sacramento, California 95814

TELEPHONE: (916) 657-2586
FACSIMILE: (916) 654-3286
E-MAIL: ord@dss.ca.gov

CHAPTERS

California Department of Social Services, Manual of Policies and Procedures, Chapter 47-200 (Stage One Child Care Eligibility), Section 47-260 (Eligible Providers); Chapter 47-300 (Responsibilities of the County), Section 47-301 (Administration of Child Care Services); Chapter 47-400 (Payment for Child Care Services), Section 47-430 (Retroactive Payments); and Chapter 47-600 (Trustline Registry and Health and Safety Requirements), Sections 47-601 (Introduction to Trustline Registry and Health and Safety Requirements for CalWORKs License-Exempt Child Care Providers), 47-602 (Definitions), 47-610 (Trustline Registry Payment Eligibility for License-Exempt Child Care Providers), 47-620 (Trustline Registry Application Requirements), and 47-630 (Health and Safety Requirements for License-Exempt Child Care Providers).

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Existing statute requires license-exempt child care providers who receive compensation for services provided for a CalWORKs recipient to be Trustline registered before payment commences. However, current regulations are inconsistent with that policy and, instead, state that payment shall be issued once a provider applies for Trustline registration.

Existing regulations also allow license-exempt providers to be paid to provide child care services for up to 28 days without having submitted their completed Trustline application. While this allows parents to meet their welfare-to-work goals without delay, it does not provide adequate safeguards for the children receiving care. When the Trustline Registry and background check process became part of CalWORKs child care, it was necessary to allow providers a period of time to submit their application and fingerprints. Therefore, 28 days was allowed for the provider to make their fingerprinting appointment, complete the application forms and ensure that all required documents were submitted to the local resource and referral agency. However, program improvements and automation of submitting the application and fingerprints have reduced the need for the 28 day time period.

The proposed regulation changes will require child care providers to turn in a completed Trustline application no later than the seventh day after CalWORKs child care services begin. By doing so, the proposed regulation changes will increase the protection of children being cared for by license-exempt providers.

To bring actual practice into line with statutory requirements, increase child safety efforts, and balance the challenges with competing priorities of Welfare-to-Work requirements and parental choice, the following changes are being proposed to clarify and add/delete language to existing regulations: 1) require that Trustline applications be submitted no later than the seventh day from the date child care services began; 2) change the Trustline process to require clearance before child care subsidy payments can be made; and 3) allow a reimbursement payment period of up to 60 calendar days for CalWORKs child care services rendered by a provider who is Trustline registered.

COST ESTIMATE

1. Costs or Savings to State Agencies: Costs are minor and absorbable.
2. Costs to Local Agencies or School Districts: None.
3. Nondiscretionary Costs or Savings to Local Agencies: None.

4. Federal Funding to State Agencies: Costs are minor and absorbable.

LOCAL MANDATE STATEMENT

These regulations do impose a mandate upon local agencies, but not upon school districts. The mandate is not required to be reimbursed pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code or Article XIII B, Section 6 of the California constitution, because implementation of the regulations will result in no costs

STATEMENT OF SIGNIFICANT ADVERSE ECONOMIC IMPACT ON BUSINESS

CDSS has made an initial determination that the proposed action will not have a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

STATEMENT OF POTENTIAL COST IMPACT ON PRIVATE PERSONS OR BUSINESSES

The CDSS is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

SMALL BUSINESS IMPACT STATEMENT

CDSS has determined that there is no impact on small businesses as a result of filing these regulations because these regulations are only applicable to state and county agencies.

ASSESSMENT OF JOB CREATION OR ELIMINATION

The adoption of the proposed amendments will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California.

STATEMENT OF EFFECT ON HOUSING COSTS

The proposed regulatory action will have no effect on housing costs.

STATEMENT OF ALTERNATIVES CONSIDERED

The following are the alternatives considered to this proposal:

1. To continue current practices and allow payments for up to 28 days prior to submitting the Trustline application. This alternative was rejected due to the fact that it did not meet the Department's goal of increasing protections to children receiving care from license exempt providers.
2. The second option was to disallow payment of Trustline providers for any period of care occurring before they become registered. This alternative was rejected because it is unlikely that providers would be willing to provide care without the possibility of eventual payment. This could result in parents being unable to participate in their welfare to work activities.
3. Another alternative was to conduct a brief preliminary background check using CLETS or CACI. However, only entities with peace officer designations have access to those systems and only for situations specifically identified as "urgent".

AUTHORITY AND REFERENCE CITATIONS

CDSS adopts these regulations under the authority granted in Welfare and Institutions Code Sections 10553, 10554, 10604, and 11324. Subject regulations implement and make specific Welfare and Institutions Code Sections 1596.60(c), 1596.605(b), 1596.66(a), 1596.67(a), 1596.792, and 1596.871(f) and Education Code Section 8358(a).

CDSS REPRESENTATIVE REGARDING RULEMAKING PROCESS OF THE PROPOSED REGULATION

Contact Person: Everardo Vaca (916) 657-2586
Backup: Alison Garcia (916) 657-2586

GENERAL PUBLIC INTEREST

DEPARTMENT OF HEALTH SERVICES

THE CALIFORNIA DEPARTMENT OF HEALTH SERVICES INTENDS TO INCLUDE ADDITIONAL FACILITIES IN THE NURSING FACILITY SUPPLEMENTAL PAYMENT PROGRAM

The California Department of Health Services (CDHS) is issuing this notice to provide information of public interest with respect to a recent amendment to California law that makes revisions to the facilities that

may be eligible to participate in the Medi-Cal supplemental payment program for nursing facility services. Further, CDHS intends to seek federal approval of the revisions by submitting an amendment to California's Medicaid State Plan relating to the reimbursement methodology applicable to the nursing facilities eligible for the supplemental payment program.

DESCRIPTION OF THE AMENDMENT

For the Medi-Cal rate year commencing August 1, 2006, and for subsequent rate years, state veterans' homes as defined in Section 101(19) of Title 38 of the United States Code that are operated by the state, and provide services to Medi-Cal beneficiaries, may become eligible for the supplemental payment program for nursing facility services they may provide.

As a result, the State may claim additional Federal Financial Participation (FFP) for State expenditures that are not reimbursed from other funding sources.

PUBLIC REVIEW

The proposed changes to the reimbursement methodology, as described in this notice, are available for public review at local county welfare offices throughout the state. Copies of the proposed changes may also be requested from, and written comments may be submitted to:

Marie Taketa, Chief, Rate Analysis Unit
Department of Health Services
1501 Capitol Avenue, MS 4600
P.O. Box 942732
Sacramento, CA 94234-7320

DEPARTMENT OF HEALTH SERVICES

THE CALIFORNIA DEPARTMENT OF HEALTH SERVICES INTENDS TO IMPLEMENT A NEW SUPPLEMENTAL PAYMENT PROGRAM FOR PUBLICLY-OPERATED CLINICS

The California Department of Health Services (CDHS) is issuing this notice to provide information of public interest with respect to a recent amendment to California law that establishes a new Medi-Cal supplemental payment program for governmentally-operated clinics for services rendered to Medi-Cal beneficiaries. Further, CDHS intends to seek federal approval of the new program by submitting an amendment to California's Medicaid State Plan relating to the reimbursement methodology applicable to governmentally-operated clinics.

DESCRIPTION OF THE NEW PROGRAM

Commencing July 1, 2006, governmentally-operated health clinics that are not associated with a hospital and are owned or operated by the state, a city, county, city and county, the University of California, or a health care district organized pursuant to Division 23 (commencing with Section 32000) of the Health and Safety Code may become eligible for the new supplemental payment program for services rendered to Medi-Cal beneficiaries.

As a result, the State may claim additional Federal Financial Participation (FFP) for expenditures made by the participating governmental entity that are not reimbursed from other funding sources. Federal reimbursement that results will be paid to the participating clinics. The governmental entities whose clinics receive the supplemental payments must maintain an agreement with CDHS to reimburse CDHS for its costs of administering the supplemental payment program.

PUBLIC REVIEW

The proposed supplemental reimbursement methodology, as described in this notice, is available for public review at local county welfare offices throughout the state. Copies of the proposed methodology may also be requested from, and written comments may be submitted to:

Marie Taketa, Chief, Rate Analysis Unit
Department of Health Services
1501 Capitol Avenue, MS 4600
P.O. Box 942732
Sacramento, CA 94234-7320

OFFICE OF ADMINISTRATIVE LAW

REQUEST FOR PUBLIC INPUT ANNUAL RULEMAKING CALENDAR GOVERNMENT CODE 11017.6

Each year all state government agencies with rulemaking authority are required to prepare a rulemaking calendar pursuant to section 11017.6 of the Government Code. The rulemaking calendar lists anticipated rulemaking activity by the agency for the coming year. The rulemaking calendar is non-binding. Section 11017.6 specifically allows agencies to adopt rules that were not listed in the rulemaking calendar if it is required by unanticipated circumstances.

The requirement to prepare a rulemaking calendar was established in 1982 and has not been amended since 1987. In 2000 the Legislature adopted section 11340.85 of the Government Code, which requires state agencies to post all their rulemaking activity on their web sites. The information that must be posted on the web pur-

suant to section 11340.85 is much more extensive than that included in the annual rulemaking calendar pursuant to section 11017.6. Use of the internet as a primary information source has, obviously, increased greatly since 1982.

The Office of Administrative Law is attempting to evaluate the public's current level of reliance upon the annual rulemaking calendar as a source of information about state agency rulemaking. If you have found that the annual rulemaking calendar continues to be a valuable source of information to you, please let us know through one of the following methods:

1. Send an e-mail message to staff@oal.ca.gov;
2. Send a note via fax to (916) 323-6826;
3. Leave a telephone voice message at (916) 323-6815; or
4. Send a letter to:

Office of Administrative Law
Rulemaking Calendar Survey
300 Capitol Mall, Suite 1250
Sacramento, CA 95814

Any information that you could provide on this subject would be greatly appreciated.

PROPOSITION 65

OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT

SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986 (Proposition 65)

NOTICE OF INTENT TO LIST CHEMICALS Additional Extension of Public Comment Period October 13, 2006

The Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65) requires the Governor to publish, and update at least annually, a list of chemicals known to the State to cause cancer or reproductive toxicity. The Office of Environmental Health Hazard Assessment (OEHHA) is the lead agency for the implementation of Proposition 65.

On August 4, 2006, OEHHA published a notice in the *California Regulatory Notice Register* (Register 06, No. 31-Z) announcing the extension of the public comment period related to OEHHA's intent to list *anthraquinone* under Proposition 65 as a chemicals known to the state to cause cancer in accordance with the regulatory criteria in Section 12306 of Title 22 of the Califor-

nia Code of Regulations. The notice initiated a 60-day public comment period which would have closed on October 20, 2006. OEHHA has received a request from an interested party seeking another extension of the comment period to allow for the submission of information from the National Institute of Environmental Health Sciences that may be pertinent to the listing consideration of *anthraquinone*. OEHHA hereby extends the public comment period for *anthraquinone* for 60 days to 5 p.m., **Tuesday, December 19, 2006.**

Written comments provided in triplicate, along with supporting information, may be submitted to:

Ms. Cynthia Oshita
Office of Environmental Health Hazard Assessment
Street Address: 1001 I Street
Sacramento, California 95814
Mailing Address: P.O. Box 4010
Sacramento, California 95812-4010
Fax No.: (916) 323-8803
Telephone: (916) 445-6900

Comments may also be delivered in person or by courier to the above address. It is requested, but not required, that written comments and supporting documentation be transmitted via email addressed to: coshita@oehha.ca.gov. In order to be considered, comments must be received at OEHHA by 5:00 p.m. on Tuesday, December 19, 2006.

SUMMARY OF REGULATORY ACTIONS

REGULATIONS FILED WITH SECRETARY OF STATE

This Summary of Regulatory Actions lists regulations filed with the Secretary of State on the dates indicated. Copies of the regulations may be obtained by contacting the agency or from the Secretary of State, Archives, 1020 O Street, Sacramento, CA, 95814, (916) 653-7715. Please have the agency name and the date filed (see below) when making a request.

BOARD OF ACCOUNTANCY Fees

This rulemaking action lowers the fee for submission of a practice privilege notification without an authorization to sign attest reports.

Title 16
California Code of Regulations
AMEND: 70
Filed 10/03/06
Effective 10/03/06
Agency Contact: Aronna Wong (916) 561-1788

**DEPARTMENT OF CORRECTIONS AND
REHABILITATION**
Dental

Department of Corrections and Rehabilitation submitted this emergency action for operational necessity pursuant to Penal Code sec. 5058.3 to amend and adopt Title 15 regulations that provide inmate dental care services in California state prisons.

Title 15
California Code of Regulations
ADOPT: 3352.2 AMEND: 3350.1, 3352.1, 3354, 3358
Filed 10/03/06
Effective 10/03/06
Agency Contact:
Ann Cunningham (916) 358-1959

DEPARTMENT OF DEVELOPMENTAL SERVICES
Three Percent Respite Rate Increases

This action amends the rates and effective dates for respite services in order to make them consistent with amendments to the Welfare & Institutions Code recently enacted as a result of AB 1807 (Chapter 74, Statutes of 2006), signed by the Governor and filed with the Secretary of State on July 12, 2006. The statutory language included a condition requiring "funds specifically appropriated for this increase in the Budget Act of 2006." This condition was met in AB 1801 (Chapter 47, Statutes of 2006), Line Items 4300-101-0001 and 4300-101-0890.

Title 17
California Code of Regulations
AMEND: 57310(b)(3), 57332(c)(3)(A), 57332(9)(A)2.a
Filed 10/04/06
Effective 11/03/06
Agency Contact:
Maureen Miyamura (916) 654-1816

DEPARTMENT OF FOOD AND AGRICULTURE
Gypsy Moth Eradication Area

This certification of former emergency regulatory action adds the County of Riverside to the eradication area for the gypsy moth (*Lymantria dispar*) to Title 3 section 3591.6(a). The regulation also establishes the means and methods that may be used to eradicate and control this pest within this area.

Title 3
California Code of Regulations
AMEND: 3591.6(a)
Filed 10/02/06
Effective 10/02/06
Agency Contact: Stephen Brown (916) 654-1017

DEPARTMENT OF INSURANCE
Credit Life and Disability Standard Policy Forms and Administration

The regulations governing credit life and credit disability insurance on revolving accounts and on loans of ten years duration or less, which is sold in connection with such indebtedness, require the use by insurers of standard forms when possible that need not be approved by the Department of Insurance (Department) prior to use. Nonstandard forms must be approved by the Department following rules in the regulations before they are used by insurers. This regulatory action updates these standard forms and rules to reflect changes in statutes and to correct ambiguities and inconsistencies.

Title 10
California Code of Regulations
AMEND: 2248.4, 2249.1, 2249.2, 2249.6, 2249.7, 2249.8, 2249.9, 2249.10, 2249.11, 2249.12, 2249.13, 2249.13, 2249.14, 2249.15, REPEAL: 2248.11, 2248.12, 2248.19
Filed 10/02/06
Effective 11/01/06
Agency Contact: Peter Groom (415) 538-4421

DEPARTMENT OF INSURANCE
CAARP Manual of Rules and Rates: Update of Territorial Zip Code Listings

In this filing, the Department of Insurance amends the "California Automobile Assigned Risk Plan Simplified Manual of Rules and Rates" to update the territorial zip code listings used in setting insurance rates under the CAARP program.

Title 10
California Code of Regulations
AMEND: 2498.5
Filed 10/03/06
Effective 11/02/06
Agency Contact: Michael Riordan (415) 538-4226

DEPARTMENT OF TRANSPORTATION
Selection Process for Private Firms

This action updates the regulations that specify the procedure and standards for the Department to follow when contracting for architectural or engineering services on public works projects to be furnished by qualified professional entities rather than civil servants. Proposed section 1520.12 was withdrawn from review.

Title 21
California Code of Regulations
ADOPT: 1520, 1520.2, 1520.6, 1520.7, 1520.8,
1520.11, 1520.12, 1520.13, 1520.14 AMEND:
1520.1, 1520.3, 1520.5, 1520.9, 1520.10, 1520.15
Filed 10/02/06
Effective 11/01/06
Agency Contact: Megan Rettke (916) 227-6083

EDUCATION AUDIT APPEALS PANEL
Audits of K-12 LEAs — FY 2006-07

This is the re-submittal of the Certificate of Compliance for 06-0605-01E that adopted the fiscal year 06/07 audit guide for the annual audit of the books and accounts of every local education agency (LEA) that serves K or any of grades 1 through 12 (K-12). Education Code section 41020 mandates this annual audit. This section also requires that the audit be developed and reported using a format established by the Controller after consultation with the Superintendent of Public Instruction and the Director of Finance. Education Code section 14502.1 requires the Controller after this consultation to propose the content of an audit guide to EAAP for review and possible amendment.

Title 5
California Code of Regulations
ADOPT: 19833.5, 19833.6 AMEND: 19815,
19816, 19816.1, 19819, 19824, 19828.1, 19831
Filed 09/29/06
Effective 09/29/06
Agency Contact: Carolyn Pirillo (916) 445-7745

FAIR POLITICAL PRACTICES COMMISSION
SEI's — Members of Bds & Commission Where to File

This rulemaking amends Title 2 section 18754. This regulation details when and where members of boards or commissions of newly created agencies must file their statements of economic interests. This rulemaking clarifies when a member of a governing board or commission of a newly created agency is not subject to this regulation.

Title 2
California Code of Regulations
AMEND: 18754
Filed 09/27/06
Effective 10/27/06
Agency Contact: Andy Rockas (916) 322-5660

OCCUPATIONAL SAFETY AND HEALTH (CAL-OSHA) DIVISION
Permits — Excavation, Trenches, Construction, etc

This rulemaking action revises the system for issuing safety permits for certain types of hazardous work, mainly in the construction industry.

Title 8
California Code of Regulations
AMEND: 341, 341.1
Filed 09/29/06
Effective 10/29/06
Agency Contact:
Christopher P. Grossgart (415) 703-5080

**SPEECH-LANGUAGE PATHOLOGY AND
AUDIOLOGY BOARD**
Advertising of Academic Degrees

This resubmittal of a previously disapproved regulation governs how the Board will determine whether a licensee's advertising of a conferred degree is false, deceptive or misleading by amending Title 16 section 1399.156.4 to detail the factors the Board will consider in making such a determination.

Title 16
California Code of Regulations
AMEND: 1399.156.4
Filed 09/28/06
Effective 10/28/06
Agency Contact: Kathi Burns (916) 263-2666

**CCR CHANGES FILED
WITH THE SECRETARY OF STATE
WITHIN MAY 03, 2006 TO
OCTOBER 04, 2006**

All regulatory actions filed by OAL during this period are listed below by California Code of Regulations titles, then by date filed with the Secretary of State, with the Manual of Policies and Procedures changes adopted by the Department of Social Services listed last. For further information on a particular file, contact the person listed in the Summary of Regulatory Actions section of the Notice Register published on the first Friday more than nine days after the date filed.

Title 2
09/27/06 AMEND: 18754
09/07/06 AMEND: 21904, 21905
09/05/06 AMEND: 1859.2, 1859.76, 1859.83,
1859.163.1
08/23/06 AMEND: 1181.4
08/21/06 AMEND: 1859.2, 1859.70.1, 1859.71.3,
1859.78.5
08/15/06 ADOPT: 20108, 20108.1, 20108.12,
20108.15, 20108.18, 20108.20,
20108.25, 20108.30, 20108.35,
20108.36, 20108.37, 20108.38,

	20108.40,	20108.45,	20108.50,	05/18/06	ADOPT: 1472.7.2	AMEND: 1472,
	20108.51,	20108.55,	20108.60,		1472.4	
	20108.65,	20108.70,	20108.75,	05/11/06	AMEND: 3591.19	
	20108.80					
08/11/06	AMEND: 1859.2,	1859.40,	1859.51,	Title 4		
	1859.70,	1859.93.1,	1859.95,	09/26/06	AMEND: 1976.8	
	1859.147,			07/19/06	AMEND: 12358, 12359	
	1859.202,	1866		07/17/06	AMEND: 2240(e)	
07/24/06	AMEND: 18944			06/20/06	AMEND: 1472	
07/06/06	AMEND: 575.1, 575.2			06/01/06	AMEND: 8070(d), 8071(a)(9), 8072,	
06/20/06	AMEND: 18537				8073(c), 8074(b), 8076(c)(1)	
06/08/06	AMEND: 18526			05/18/06	ADOPT: 12358	
05/26/06	ADOPT: 18438.5	AMEND: 18438.8		05/05/06	AMEND: 150	
05/25/06	AMEND: 18942			Title 5		
05/24/06	ADOPT: Div. 8, Ch. 111, Sec. 59560			09/29/06	ADOPT: 19833.5, 19833.6	AMEND:
05/24/06	AMEND: 433.1				19815, 19816, 19816.1, 19819, 19824,	
05/17/06	ADOPT: 22610.1, 22610.2, 22610.3,				19828.1, 19831	
	22610.4			09/15/06	REPEAL: 18074.1(b), (c), (d), 18074.3,	
05/15/06	AMEND: 1859.2, 1859.40, 1859.51,				18074.4, 18074.5, 18074.6	
	1859.70, 1859.93.1, 1859.95, 1859.147,			08/30/06	ADOPT: 15566, 15567, 15568	REPEAL:
	Form SAB 50-04				15569	
05/08/06	AMEND: 18537.1			08/15/06	AMEND: 1030.7, 1030.8	
Title 3				07/31/06	ADOPT: 1043.2, 1043.4, 1043.6, 1043.8,	
10/02/06	AMEND: 3591.6(a)				1043.10, 1047, 1048	AMEND: 1040,
09/19/06	AMEND: 3433(b)				1041, 1043, 1044	REPEAL: 1042, 1045,
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